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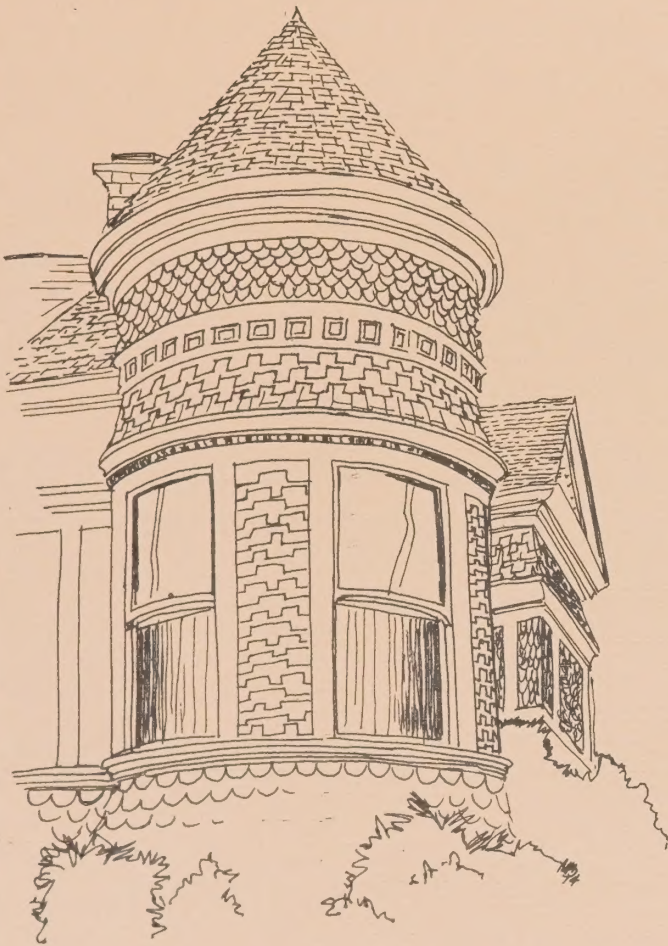


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**CITY PLANNING DEPARTMENT  
SANTA CRUZ, CALIFORNIA**

**HISTORIC PRESERVATION PLAN**





PARTICIPANTS IN THE HISTORIC PRESERVATION  
PLAN OF THE CITY OF SANTA CRUZ

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the Arts.

RESOLUTION NO. NS-11,305

RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF SANTA CRUZ AMENDING THE GENERAL PLAN BY  
ADOPTING AN HISTORIC PRESERVATION PLAN ELE-  
MENT

WHEREAS, by Resolution No. NS-7489, adopted on April 28, 1964, the City Council did adopt a General Plan for the City of Santa Cruz; and

WHEREAS, although the State of California Planning Law does not provide for an Historic Preservation Plan Element to the General Plan, the Santa Cruz City Planning Commission has nevertheless determined that preservation of our cultural and historical heritage is an important element of our General Plan and does recommend an Historic Preservation Plan Element as a proposed amendment to the General Plan; and

WHEREAS, the Planning Commission, after careful study, has approved and certified to the City Council said Historic Preservation Plan Element as an amendment to the General Plan; and

WHEREAS, the City Council considered all of the recommendations of the Planning Commission, and the evidence presented to the Council at its hearing thereon, and now finds and determines that the Historic Preservation Plan Element as adopted by the Planning Commission on July 25, 1974, by Resolution No. CPC-74-54, which Plan is on file with the City Clerk, and the revision of said Plan as shown on Exhibit "A" attached hereto, are respectively incorporated by this reference, and constitute a suitable amendment to the General Plan for the future development of the City of Santa Cruz;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Santa Cruz as follows:

1. That the General Plan for the City of Santa Cruz as heretofore adopted by the City Council on April 28, 1964, by Resolution No. NS-7489, and as said General Plan has been subsequently amended and there is hereby adopted as said amendment, the "Historic Preservation Plan Element to the General Plan for the Future Development of the City of Santa Cruz" which is on file with the City Clerk, and as revised by Exhibit "A" attached hereto.\*

2. That said General Plan and all of the amendments thereto, shall be the guide for future capital improvements and physical developments of the City of Santa Cruz, and for the adoption of precise plans, regulations and legislation for the administration of the General Plan.

PASSED AND ADOPTED this 24th day of September, 1974, by the following vote:

AYES: Councilmen - Edler, DiGirolamo, Smith, Wood, Wicklund, Mahaney; Mayor  
Muhly

NOES: Councilmen - None

ABSENT: Councilmen - None

APPROVED /s/ Louis B. Muhly  
Mayor

ATTEST. /s/ Angèle Mellon  
City Clerk

\*Said revisions have been incorporated in the Historic Preservation Plan.



# TABLE OF CONTENTS

<b>INTRODUCTION</b>	1	<b>IDENTIFYING SIGNIFICANT HISTORICAL STRUCTURES AND HISTORICAL DISTRICTS</b>	35
Why Historical Preservation of Santa Cruz?	1	Criteria for Designating Individual Architectural and Historical Struc- tures	35
How to Preserve	2	Districts of Architectural and His- torical Significance	37
<b>THE HERITAGE OF SANTA CRUZ</b>	3		
Indian Culture - through 1700's	4	Suggested Design Principles and Stan- dards for New and Remodeled Construc- tion within Historical Preservation Districts	38
Spanish Style - 1791	4		
Pioneer Style - 1850	6		
Greek Revival Style - 1850	8		
Gothic Revival Style - 1860	10		
Italianate Style - 1870	12		
Stick Style - 1880	14		
Eastlake Style - 1880	16	<b>IMPLEMENTING HISTORICAL PRESERVATION</b>	41
Romanesque Revival Style - 1890	18	Planning Framework	41
Queen Anne Style - 1890	20	Financial Framework	43
Colonial Revival Style - 1890	22	Private Framework	44
Shingle Style - 1890	24	Priorities for Historical Preservation	45
Mission Revival - 1900	26	Summary	45
California Bungalow - 1920	28		
Post World War I	30		
Map 1 — Historic Buildings	32	<b>BIBLIOGRAPHY</b>	47
Map 2 — Historic Areas	33	<b>ACKNOWLEDGEMENTS</b>	49







# INTRODUCTION

Spanish adobes, Victorians, octagons, and a waterfront setting—where can you find this variety of history and architecture? Santa Cruz, California. As one of California's oldest settlements, founded in 1791, our community's history spans the history of the State—from early mission days to the pleasant seaside community which Santa Cruz is today. Santa Cruz is unique in that this rich heritage has been partially preserved in the "Old Victorians", the octagon buildings, and the many other buildings located throughout the community.

As one of the first mission sites, Santa Cruz's early life was basically that of a small-farm community. What was unusual about the community was that, in 1795, worried about Russian expansion, the Spanish Government ordered the establishment of the Villa de Branciforte to provide a military presence in Santa Cruz. Over the years, both these communities grew into thriving farm and commercial centers.

The California "Bear Flag Revolt" in 1846, marked the beginning of "Yankee" dominance in Santa Cruz. The new residents, from all over the United States, brought with them skills which produced a variety of new industries, lumber, limestone, and gun powder, among a few. The 1840's were years of prosperity and expansion for Santa Cruz caused by California's Gold Rush economy.

By the 1890's, Santa Cruz was a well-established community. Its fame as a seaside resort was widespread and the visitor industry became an important part of the City's economy. The early 1900's saw a gradual growth of the City including the completion of the streetcar system.

Santa Cruz, during the 1930's, experienced few changes. City life was quiet during the winter months and robust during the summer months with the arrival of thousands of summer visitors. It was also during this period that most of the chicken and flower farms within the City were sold for residential development.

From 1940 to the present, Santa Cruz has continued its slow growth; however, by 1940, the City had developed a wide variety of architecturally significant buildings which were built during its many years of growth. What is even more unique about Santa Cruz is the way these buildings have become a part of the City's everyday life. The question now facing Santa Cruz is how to preserve this wealth of architecturally significant buildings for future generations to enjoy.

## WHY HISTORICAL PRESERVATION OF SANTA CRUZ?

Perhaps the best reason to consider preserving Santa Cruz's rich heritage of architecturally significant buildings is that many City residents feel these buildings are an essential part of City life and their preservation is an important goal.

An indication of community concern for historical preservation was shown in a sample survey of 1,135 Santa Cruz residents conducted during 1970, in conjunction with the Citizens' Advisory Committee for Community Improvement, and the City Council of the City of Santa Cruz. The following question was asked:

"Would you like to see the City pursue policies to encourage the preservation of traditional Victorian homes in Santa Cruz, or should these homes be torn down and the land used for new residential or commercial uses?"



In response to this question, nearly two-thirds of the respondents, 63.9%, strongly favored policies which encourage preservation. Another one-fifth of the respondents, 19.9%, accepted the idea of preservation. Only 7.8% of the respondents favored new uses of the land.

In recent years, this interest has been recognized in a number of City plans. The Policy Basis of the Planning Program for the City of Santa Cruz makes the following clear statements:

"Preserve the City's historical heritage by sensitive renovation of older areas and through the protection and reconstruction of historical landmarks."

"Conduct an historic and architectural preservation inventory and prepare the necessary plans for implementation of a preservation program."

2 More recently, the Open Space and Conservation Element of Santa Cruz reaffirmed community interest in this area by recommending a three-part program to preserve Santa Cruz's heritage:

"Identify and protect historically significant structures and areas through the preparation of the Historical Preservation Element of the General Plan."

"Complete the Historic Resources Inventory."

"Prepare Historic Preservation Ordinance."

Interest in historical preservation has also been stimulated by the commercial success of historical preservation efforts. The rehabilitation of the old County Courthouse, the railroad depot, the Sinkinson Sash Mill, and other older buildings has provided the City with a very unique commercial atmosphere. Perhaps the best example of a blending of the past and the present is the

Pacific Garden Mall, which serves as a focal point of downtown Santa Cruz. Preservation of this type has hidden benefits in the delight it brings to both Santa Cruzans and City visitors, who shop in the pleasant yesterday setting. These "intangibles" have also contributed significantly to both the City's increasing tourist and recreation industry and the revitalization of the downtown area.

### HOW TO PRESERVE

The purpose of this Historic Preservation Plan is to bring together the diverse interests in historical preservation and provide a framework by which these various desires can be translated into a preservation program. To provide a basis for this program, the Plan will discuss three additional topics:

"The Heritage of Santa Cruz", is a thumbnail sketch of Santa Cruz history and the architectural styles which characterize these periods. This is included to give both local residents and visitors a brief historical perspective from which to view the City's many older structures.

"Identifying Significant Historical Structures, and Historical Districts", examines criteria which can be used to identify structures of architectural and historical significance. Also discussed will be methods of identifying areas of historical significance throughout the City.

"Implementing Historical Preservation", reviews and recommends a number of methods which can be used to preserve individual structures and areas of architectural significance.



## THE HERITAGE OF SANTA CRUZ



3

Architecture and history are closely intertwined in Santa Cruz. Each period in the City's history has left its impression through buildings and certain architectural styles which continued to be used today.

This relationship will be discussed in this part of the plan to show the various types of architectural styles which exist today in Santa Cruz, and the various buildings which typify these styles.



## **INDIAN CULTURE—THROUGH 1700'S**

Santa Cruz's first residents were the Ohlone Indians who inhabited the general Monterey Bay Area. The Ohlones were predominantly foodgatherers and, by nature, a peaceful people. With the arrival of the Spanish, the Ohlones were soon absorbed into their life and ceased to be a distinct culture. Today a few burial sites are the only remains of this culture.

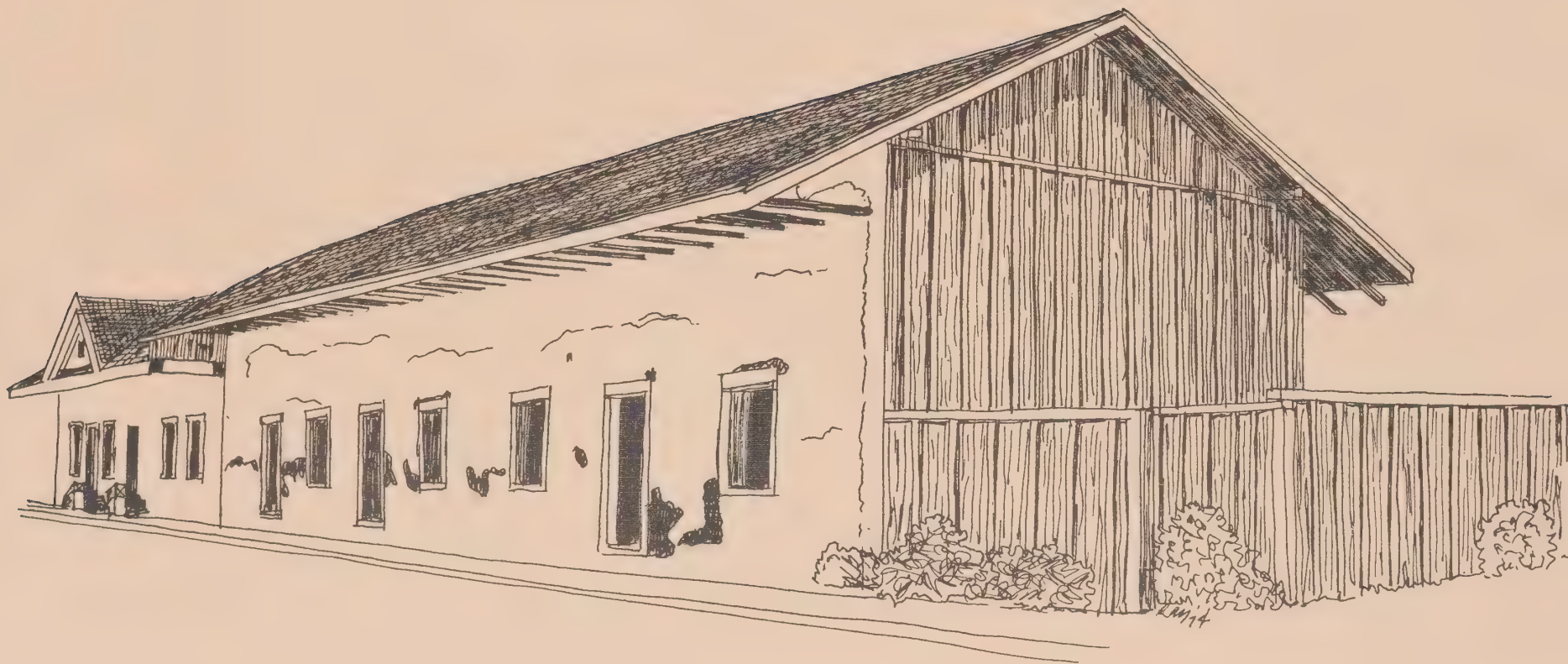
## **SPANISH STYLE—1791**

The City of Santa Cruz was founded in 1791, as both the site of a Franciscan mission, Mission La Exaltacion de la Santa Cruz, and a Spanish garrison, Pueblo Branciforte. In 1793, the Mission was moved from its original flood-prone site near the San Lorenzo River to its present location on Mission Hill, overlooking the San Lorenzo River and today's downtown area. Dedicated in the spring of 1794, the Mission was a complex of buildings that contained living quarters, workshops, and other uses, built around three sides of a plaza bounded by the modern streets—Sylvar, Emmett, High, and Mission. In their style, the Mission Fathers tried to reproduce the late baroque architecture familiar to them in Spain and Mexico; however, the limitations of the adobe building medium and the unskilled Indian labor reduced the buildings to very plain adobe structures with thick walls. The missions themselves were buttressed by thick piers fronted with arcades and ornamental bell towers. Roofs were more often made of "brea", the tar found naturally in several spots in California, than of tile or shingles, which were not used until the 1840's.

The Neary-Rodriguez Adobe at 130 School Street is Santa Cruz's only remaining example of the Spanish era adobe. Originally, it was one story and subsequently had the roof raised and another half-story inserted underneath. Constructed as two buildings with a common-party wall, it is likely to have been used as some kind of living quarters, possibly for the Mission guards.

**NEARY—RODRIGUEZ ADOBE  
130 SCHOOL STREET**



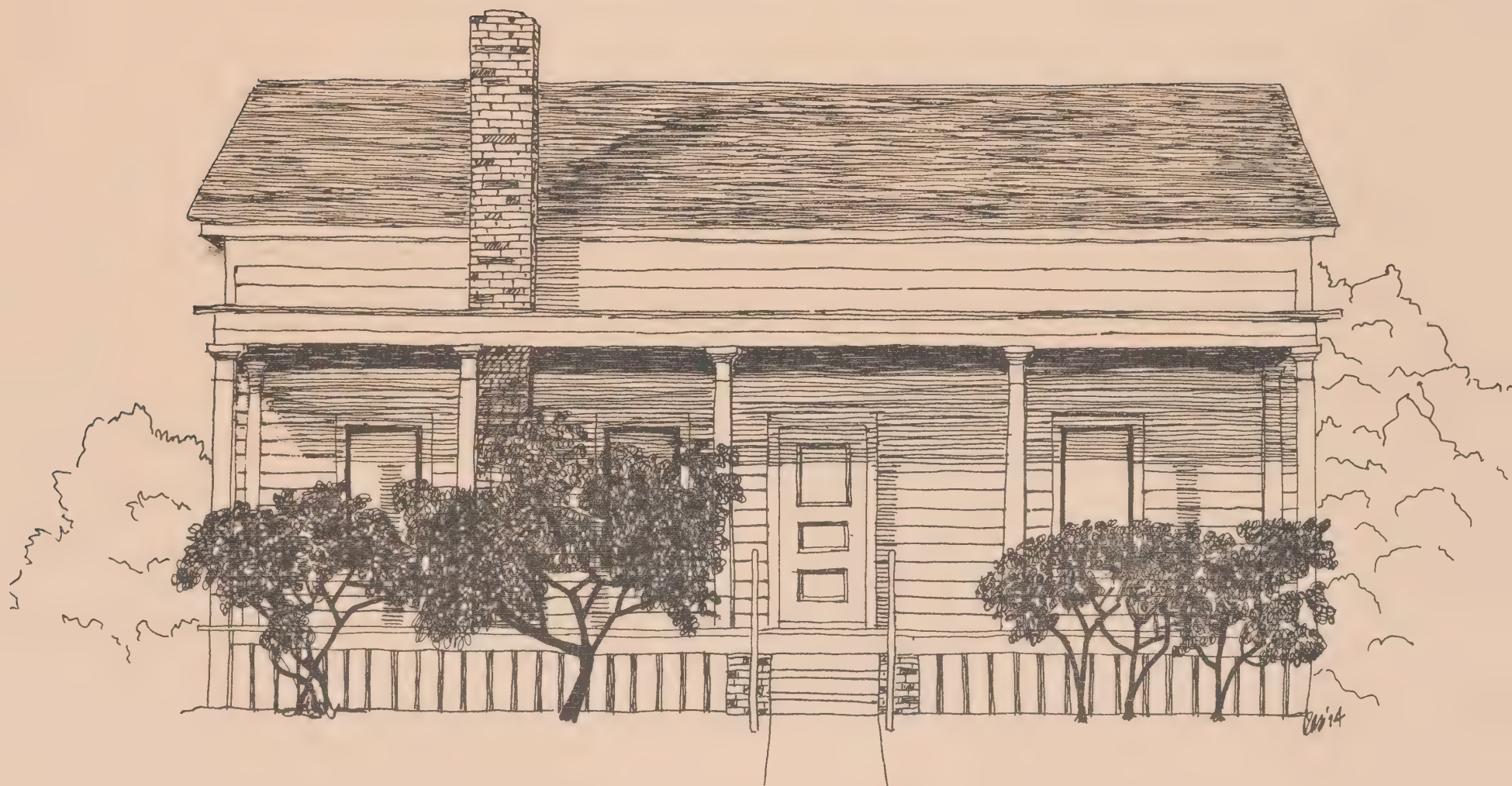




### **PIONEER STYLE - 1850**

The earliest frame buildings in Santa Cruz were simple box-shaped clapboard houses. Architectural detail was extremely simple, varying from posts to split pilasters. An example of such a house is the Francisco Alzina house at 109 Sylvar Street, built in the 1850's.





### **GREEK REVIVAL STYLE - 1850**

With the improvement of building skills, Santa Cruz architecture of the mid-1850's began to utilize the more contemporary style used elsewhere in the United States. The Greek Revival style is perhaps the first example of Santa Cruz architecture truly reflecting an American style. The Greek Revival style was distinguished by the use of broad corner pilasters, split pediment, and porches supported by pillars. A very rare example of a true Greek Revival style house of the 1850's is the Judge William Blackburn house at 152 Center Street.

**WILLIAM BLACKBURN HOUSE  
152 CENTER STREET**





### **GOTHIC REVIVAL STYLE - 1860**

The second major residential building style of the 1850's and the 60's was the Gothic Revival. Buildings of this style have pointed arches, delicate split pilasters, arched porches and pointed arch windows. This style resulted from the nineteenth century desire for the picturesque and romantic medieval Gothic Cathedral style. The 1865 Calvary Episcopal Church at 532 Center Street is an example of the Gothic Revival style.

**CALVARY EPISCOPAL CHURCH  
532 CENTER STREET**





**ITALIANATE STYLE - 1870**

The first Santa Cruz business buildings were, for the most part, simple frame structures with small-paned windows. Two plain brick buildings—the 1860 James Leslie building at 555 Mission Street, and the Hugo Hihn Flat Iron building at 1538 Pacific Avenue—are examples of this type of building. However, all this began to change as the business community began to grow, and the business buildings of the 1870's began to favor the Italianate style. This style was derived from fifteenth and sixteenth century Italian architecture, and is characterized by straight-front buildings without any sizable projections or recessions. Columns, if present, are primarily confined to porches and window frames. The crowning feature of this style is a cornice along the entire front of the building; the roof behind it is low and invisible to the spectator in the street. Large window areas are fairly common in commercial buildings. Two examples of Italianate business buildings are the Williamson and Garrett building at 1547 Pacific Avenue, and the A.P.Hotaling (McHugh and Bianchi) building at 1553 Pacific Avenue, built in 1886. The McHugh and Bianchi building was one of the two buildings within Santa Cruz County included in the National Register of Historic Places by the U.S.Department of the Interior.

Other examples of the Italianate style can be found in a number of residences constructed in the 1870's and the early 1880's. The 1877 Sedgewick Lynch House, 170 West Cliff Drive, designed and built by John Morrow, is a prominent example of an Italianate style home.

**SEDGEWICK LYNCH HOUSE  
170 WEST CLIFF DRIVE**





### **STICK STYLE - 1880**

In the 1880's, a move away from the classical forms became apparent in the forms of the Stick and the Eastlake styles. Stick style buildings have tall proportions with high, steep roofs, and complex and irregular silhouettes. Diagonal "stickwork" is characteristic of this style. A good example of this style in Santa Cruz is the two-story house at 419 Locust Street.

**HARRISON TERRY HOUSE  
419 LOCUST STREET**





### **EASTLAKE STYLE - 1880**

Most Eastlake buildings would be classified as Stick style or Queen Anne if they were not characterized by a distinctive type of ornament. This ornament is largely the product of chisel, gouge, and lathe, somewhat like the ornamentation of furniture during that period. This imitation of the furniture motif can be seen in decorative knobs of various forms and the posts of porches or verandas which often resemble table legs. A good example of the Eastlake style is in the Thomas Weeks home at 724 California Street, built in 1886.

**THOMAS WEEKS HOUSE  
724 CALIFORNIA STREET**





### **ROMANESQUE REVIVAL STYLE - 1890**

The Romanesque Revival style became the vogue for business buildings in the 1890's. It can be distinguished by rock-faced masonry work and of short, clustered columns. The Neary building, 1352 Pacific Avenue, and the old County Courthouse are examples of this style.

**NEARY BUILDING  
1352 PACIFIC AVENUE**





### **QUEEN ANNE STYLE-1890**

By the early 1890's, the Queen Anne style had appeared in Santa Cruz. This style is characterized by irregularity of plan and the massing of color and texture. Several different wall surfaces may occur in one building; brick on the ground story, and shingles or horizontal boards above is a common occurrence. Trademarks of this style include elaborate chimneys, corner turrets, and the use of bay windows. An example of the Queen Anne style is the W.D.Haslam House at 304 Walnut Avenue.

**W.D. HASLAM HOUSE  
304 WALNUT AVENUE**





**COLONIAL REVIVAL STYLE - 1890**

The Colonial Revival was more aptly a nationalistic style; at a time when "manifest destiny" was at its peak, the early 1890's, Americans began to value their own heritage and architecture. Colonial Revival sought to follow the style of the period around the Revolutionary War. Distinctive in this style are multiple-columned porches, and doors with fanlights and sidelights. The two-story apartment building at 303 Mission Street is a Colonial Revival building.

**DOWNEY APARTMENTS  
303 MISSION STREET**





### **SHINGLE STYLE - 1890**

The idea of the facade of the building being its basic design appeared in the Shingle style of the 1890's. The distinctive feature of this style was the wide use of shingles as a form of siding on the walls of the upper stories and, in some cases, the ground floor. The overall effect is simpler and quieter than in the Queen Anne style, with more horizontal emphasis. The 1891 "Monte Carlo" at 924 Third Street, which was built for Major Frank McLaughlin, is a good example of the Shingle style. The towers of this home are visible throughout the downtown area and provide the charming yesteryear contrast to other buildings in the area. An interesting sidelight to this home is that it was the site of a notorious tragedy in 1907, when Major McLaughlin, saddened by the loss of his wife and financial reverses, shot his step-daughter Agnes and ended his life with a glass of poison.

**FRANK McLAUGHLIN HOUSE  
924 THIRD STREET**





**MISSION REVIVAL - 1900**

Around the turn of the century, Californians also began to realize that they had a rich heritage of their own, and perhaps did not need to import tradition and architectural styles from the East Coast. As one Californian stated at that time, "Give me neither Romanesque nor Gothic; much less Italian Renaissance, and least of all English Colonial—this is California—give me Mission". The Mission Revival style was the result. Arches and tiled roofs are the most general features of this style. Other architectural features are low pitched roofs, smooth plastered walls, balconies, and towers on large buildings. The 1912 Piedmont Court, 260 High Street, is a very effective Mission Revival work. This style lasted up to the 1920's, when Spanish Colonial revival, with a more sophisticated, formal and classic Hispanic style, came into favor.

**PIEDMONT COURT  
260 HIGH STREET**



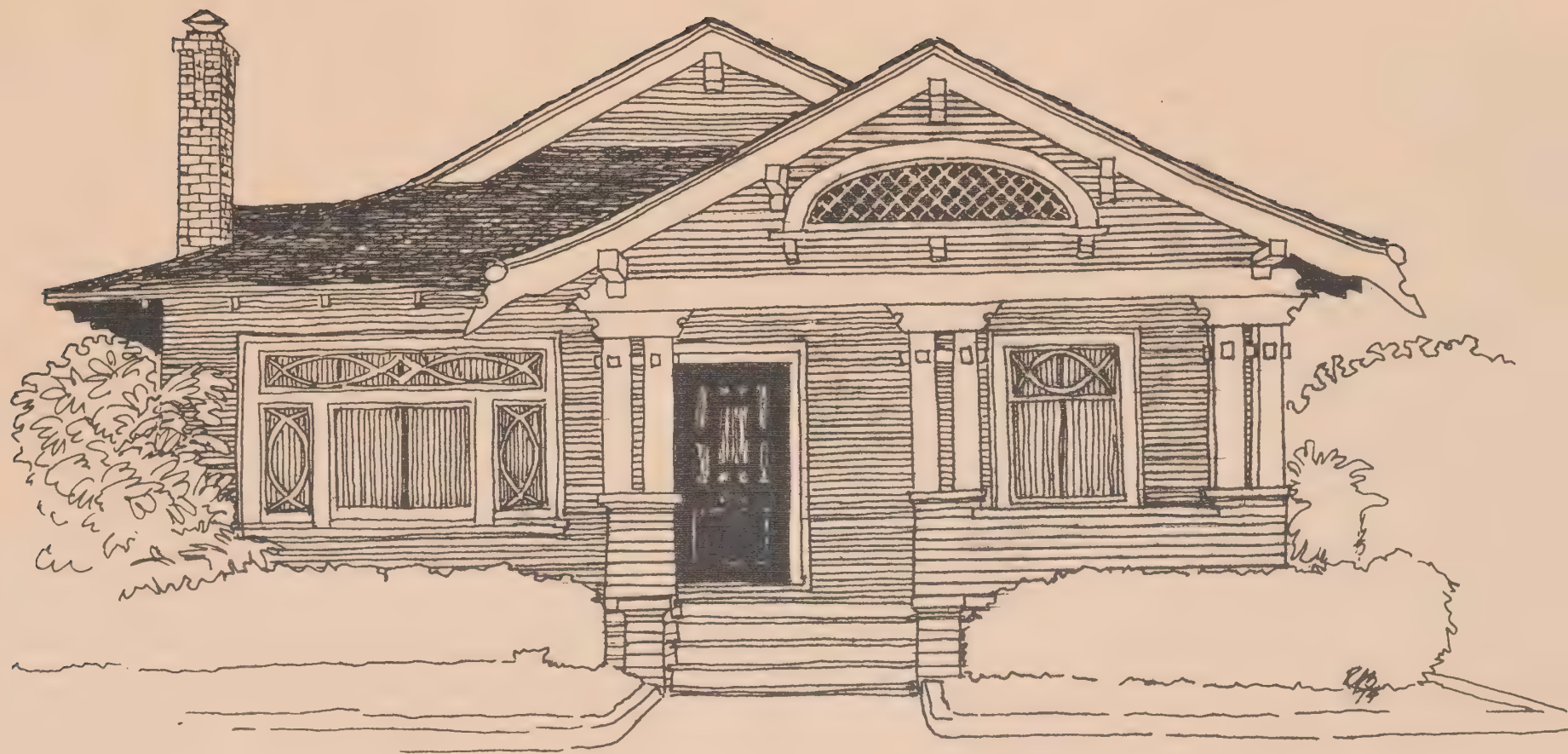


**CALIFORNIA BUNGALOW - 1920**

Sharing the Mission Revival's concern for the California environment, the Bungalow style emphasized the natural rather than the historic aspect. Both stressed a return to simple handcrafted workmanship, and the Bungalow style also stressed the integrity and beauty of materials in their native state. Characterized by a rustic exterior and sheltered-feeling interiors, bungalows were most successful in the growing suburbs of Southern California. Bungalows are often stained rather than painted, covered with clapboards or shingles, and have broad spreading eaves supported by multiple gables with projecting beams. Windows may be small-paned or are often divided into a large lower pane and small upper panes. Also characteristic of this style are spacious front porches supported by squat posts atop chunky river boulder and brick piers. The residences at 1266 Laurel Street and 1107 Mission Street are examples of the Bungalow style.

**W. HOLMES HOUSE  
1107 MISSION STREET**





## POST WORLD WAR I

While architecturally significant buildings and residences were frequently constructed up to the First World War, the emphasis changed after this period. In order to meet the housing needs of a rapidly growing population, quantity rather than quality became the new criteria for building. There were, however, a few important exceptions to this new emphasis. The 1937-38 Monterey Colonial Revival style City Hall, the International style house at 1010 Laurent Street, and the LaBahia Hotel at 215 Beach Street are some of the architecturally significant buildings of this period. The founding of the University of California at Santa Cruz campus in the early 1960's provided another setting for design innovations in Santa Cruz.

Construction of the Pacific Garden Mall in 1969-70, and the renewed interest in restoration of Santa Cruz's architectural heritage signaled a gradual turn from the period in which quantity was emphasized to one in which architecture again began to play a role in Santa Cruz. An example of this new period is represented by the McElrath house at 517 Meder Street.

**LA BAHIA HOTEL  
215 BEACH STREET**





# MAP 1

## HISTORIC BUILDINGS

- B Spanish Style  
130 School Street
- C Pioneer Style  
109 Sylvar Street
- D Greek Revival Style  
152 Center Street
- E Gothic Revival Style  
532 Center Street
- F Italianate Style  
170 West Cliff Drive
- G Stick Style  
419 Locust Street
- H Eastlake Style  
724 California Street
- I Romanesque Style  
1352 Pacific Avenue
- J Queen Anne Style  
304 Walnut Avenue
- K Colonial Revival  
303 Mission Street
- L Shingle Style  
924 Third Street
- M Mission Revival Style  
260 High Street
- N California Bungalow Style  
1107 Mission Street
- O Spanish Revival Style  
215 Beach





# MAP 2

## HISTORIC AREAS



- A-1 Mission Hill Area
- A-2 Oceanview Avenue Area
- A-3 Lincoln Street-Walnut Avenue Area
- A-4 Beach Hill Area
- A-5 Riverside Avenue Area
- A-6 Highland Avenue-Storey Street Area
- A-7 Union-Locust Street Area
- A-8 Castle Beach Area
- A-9 Lighthouse Point Area
- A-10 Cowell Ranch Area
- A-11 Evergreen Cemetery
- A-12 100F Cemetery
- A-13 Home of Peace Cemetery
- A-14 Pacific Garden Mall





# IDENTIFYING SIGNIFICANT HISTORICAL STRUCTURES AND HISTORICAL DISTRICTS

The first step in establishing a program of historical preservation is to develop the criteria to be used in determining what is meant by historical and architectural significance. Once these criteria are established, it is then possible to conduct a survey to determine which structures throughout the City are of importance to preserve. To indicate the criteria needed for the preservation program, this portion of the Plan will discuss two topics: Criteria for Designating Individual Architectural and Historical Structures; and Districts of Architectural and Historical Significance.

## CRITERIA FOR DESIGNATING INDIVIDUAL ARCHITECTURAL AND HISTORICAL STRUCTURES

Numerous methods are available to identify and document buildings of historical significance. These methods vary from city to city, but all share the common goal of determining the importance of individual buildings through extensive documentation. The National Trust for Historic Preservation uses a method developed by the National Park Service which emphasizes historical and cultural significance, suitability, educational values, and other factors. Another example of a building survey rating method is the College Hill Study conducted by the City of Providence, Rhode Island, which has a building rating method more specific than that of the National Park Service.

While these building surveys consider architectural significance, few, if any, emphasize planning factors. One of the first studies which attempted to combine architectural significance and land use planning was combined in the Vieux Carre area (French Quarter) of

New Orleans. The index designed in this survey developed information which was of use not only for preservation, but could also be used in rehabilitation proposals. This information varied from types of balconies to adjacent land uses. Since development of the New Orleans approach, it has been used in a number of historical preservation studies in California. Most prominent of these studies are those conducted in the cities of Sonoma, Monterey, and San Diego.

To develop a set of criteria suitable for Santa Cruz, an examination has been made of various criteria used throughout California and the United States. In addition, the work already conducted in the California State Historic Resources Inventory has provided a basis on which to develop a new set of criteria.

Based on this past research, a number of general factors are significant when developing preservation criteria. These were revealed in part by the California State Historic Resources Inventory, and should be considered in any new work. Factors of importance are:

- The location and style of historical structures.

- The areas of high concentrations of historically and architecturally significant structures.

- The quality and structural condition of older structures.

Using these general factors, preservation must be considered in two distinct frameworks: preservation of individual structures, and preservation of historical districts.

The three basic criteria which should be used in evaluating the historical and architectural significance of individual structures are: 1. historical and cultural significance, 2. architectural significance, 3. importance to neighborhood setting. Also, within each of these three categories,

there are various points to be considered for individual structures.

1. Historical and Cultural Significance—

Is the building particularly representative of a distinct historical period, type, style, region, or way of life?

Is it an example of a type of building which was once common but is now rare?

Is the building of greater age than most of its kind?

Is the building connected in any way with someone who was famous, important, or a local personality?

Is the building connected with a business or use which was once common but is now rare?

Is the architect or builder famous or well recognized?

2. Architectural Significance—

Are its construction materials used in an unusual, significant, or effective manner or style?

Is the overall effect of the design of the structure beautiful, or are its details beautiful or unusual?

Is the style of the building unusual for its area, for Santa Cruz, for California, or is it unusual any place?

Does the building contain original materials or workmanship which can be valued in themselves?

Is the method of construction employed or the floor plan used one which is unusual, ingenious, or significant?

Is the structure especially well-preserved or could it be restored to its former condition?

3. Neighborhood Setting—

Is it particularly well-related to its site or to existing buildings? Does it express its function or method of construction well?

Is the structure visible or accessible to the public?

Is the present setting appropriate (trees, walls, yard, etc.)?

Is the surrounding land use a significant factor in preservation of the structure?

From the preliminary study using these design criteria, an interim list of buildings has been developed for possible designation as historical landmarks by the Historic Preservation Commission. The list is not intended to be final, but serves on an interim basis with possible future additions and deletions.

109 Sylvar Street	
Alzina House	Pioneer Style
105 Sylvar Street	
Willey House	Stick Style
207 Mission Street	
Davis House	Stick Style
208 Mission Street	
Gingerbread House	Gothic Style



123 Green Street Reynolds House	Italianate Style
130 School Street Neary-Rodriguez Adobe	Spanish Style
924 Third Street McLaughlin House	Shingle Style
118 Cooper Street Octagon Building	Octagon Mode
724 California Street Weeks House	Eastlake Style
UCSC Campus Cowell Ranch Buildings	Pioneer Style

## DISTRICTS OF ARCHITECTURAL AND HISTORICAL SIGNIFICANCE

Once criteria are established for evaluating individual structures, the next order of business is to determine where there are significant concentrations of historical buildings. This opens the second possibility in historical preservation, which involves land use and design controls, such as zoning, to preserve neighborhoods having a significant concentration of historical structures. Since there is a wide variety of styles throughout the City, such controls would vary from neighborhood to neighborhood.

The first step has already been taken by the City's establishment of the Mission Hill Historic Preservation Area, commonly known as the S-U(1) Zoning District.

Based on analysis of this area and neighborhood support, it was determined that this area should be given special consideration in the area of design review and land use control. This zoning action was considered necessary to preserve the wide variety of older residences in this area, which are both individually and collectively important to Santa Cruz.

Based on further analysis made in the Open Space and Conservation Element, several other neighborhoods in the City should be carefully studied to determine if special design and land use controls might assist in preserving their character. The general location of these neighborhoods is shown on Map 2. Using the same analytical techniques used in the Mission Hill Area, it appears appropriate that these areas receive detailed review by neighborhood residents and the Historic Preservation Commission charged with this responsibility.

Once historical preservation districts are established, careful thought must be given to how new construction proposals are reviewed. At present, the City of Santa Cruz Design Review Committee reviews proposals for new construction throughout the City. However, in areas of historical and architectural significance, more concise design standards are appropriate. These standards should be utilized by both a governing body which oversees historical preservation and the Design Review Committee. The use of these standards ensures an adequate understanding of what will be required of new construction being located within historical preservation districts. From a review of Santa Cruz's architecture, a number of design principles and standards are suggested when judging new construction proposals in historical preservation districts.

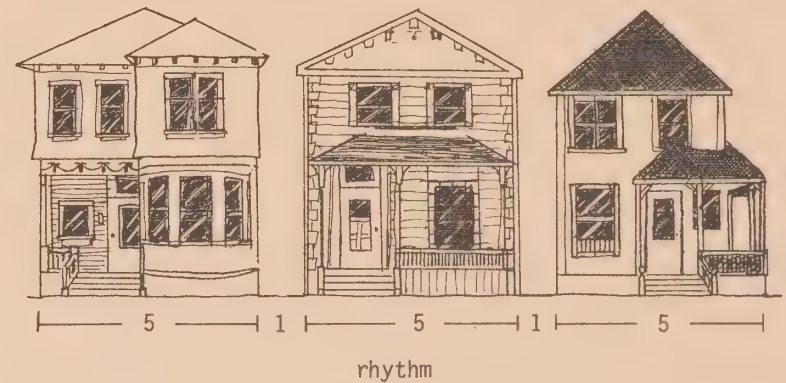
**SUGGESTED DESIGN PRINCIPLES AND STANDARDS  
FOR NEW AND REMODELED CONSTRUCTION  
WITHIN HISTORICAL PRESERVATION DISTRICTS**

Use of these design principles and standards is not intended to require new buildings to be an exact duplication of older styles, but to ensure the maximum compatibility of new construction with older buildings in historical preservation districts.

38



Height and Scale—It is important that new buildings be constructed to a height within a reasonable average height of existing adjacent buildings within established historical districts with a long life expectancy.



Rhythm of Spacing of Buildings on Street—Moving past a sequence of buildings, one experiences a rhythm of recurrent building masses to spaces between them. This rhythm is necessary to create an added element of harmony in a neighborhood's architecture.



Material—Wood Siding  
Texture—Smooth  
Color—Green, White Trim

Relationship of Materials—A variety of materials, when properly used, can add to the distinctiveness of a neighborhood. Common materials are brick, stone, stucco, wood, or other material. Used properly, materials can enhance desired neighborhood qualities such as compatibility, continuity, similarity, harmony, etc.

Relationship to Textures—The texture of a building is an important factor in the overall appearance of a neighborhood. The predominant texture may be smooth (stucco), or rough (brick with tooled joints), or horizontal wood siding, or other textures. Whatever texture is used, its appearance must be considered in relation to the neighborhood to ensure a compatible blending with other styles.

Relationship to Colors—The proper application of a color scheme to a building or a series of buildings can highlight important features and increase their overall appearance. Accent or blending colors on building details is also desirable in creating compatibility of neighboring structures.



Relationship of Architectural Details—Similarity of architectural detail may be accomplished by the use of cornices, lintels, arches, wrought iron work, chimneys, etc. This similarity of detail is extremely important in ensuring a compatible appearance in new construction.



Relationship of Roof Shapes—The majority of buildings may have gable, mansard, hip, or flat roofs, or others. Roofs are an important factor in the overall design of a building to help relate items such as height and scale to those of adjacent structures.





walls and landscaping continuous



vertical

horizontal

Directional Expression of Front Elevations—Structural shape, placement of openings, and architectural details may give a predominantly vertical, horizontal, or a non-directional character to the building's facade. Although the front elevation of two adjacent, existing buildings may be different, their overall appearance can be made more compatible when remodeled by proper use of detail, color, materials, etc.

Walls of Continuity—Physical ingredients such as brick walls, wrought iron fences, evergreen landscape masses, building facades, or combinations of these, form continuous, cohesive walls of enclosure along the street. This factor helps produce a cohesiveness in a neighborhood.

Relationship of Landscaping—There may be a predominance of a particular quality and quantity of landscaping. The concern here is more with mass and continuity. It is important that landscaping be placed to emphasize design, rather than becoming an obscuring factor.

## IMPLEMENTING HISTORICAL PRESERVATION

Once a community has agreed upon the value of preserving its heritage, there are a number of methods available to reach this goal. The nature of the community's interest in historical preservation will determine which methods will be used, whether separately or in concert. Part IV will discuss a number of methods available to implement a program of historical preservation. Generally speaking, these methods can be thought of in three distinct, but interdependent, frameworks: Planning Framework; Financial Framework; and Private Framework.

### PLANNING FRAMEWORK

1. Historic Preservation Ordinance and Commission—Ordinances are the most important planning methods a community has to implement a program of historical preservation. Historic preservation ordinances are not new; the Country's first such ordinance originated in Charleston, South Carolina, in 1931, and they are now widely used throughout the United States. In California, historic preservation ordinances have been adopted by several communities in the State. In each community, the provisions of the ordinances differ on various points. However, most of these ordinances include a number of points in common—criteria to be used in designating historical significance, and methods used to preserve historical structures once designated. Criteria for designation vary from the totally discretionary to the extremely explicit, i.e., the ordinance may allow an historic preservation commission to do as it will or may articulate to a degree the limitations within which a designating body may issue an approval.

The greater the discretion allowed by ordinance, the greater the potential for the designations to reflect the composition of the designating body. The more explicit the ordinance, the less the ordinance can freely "live" and reflect any change in community consensus.

The implications of designation can also be described in detail. These commonly involve use of special administrative or legislative permits to control alterations and demolitions of historical structures. The extent of these controls varies to meet each of the individual city's needs. However, in recent years, it has not been uncommon to see provisions included in ordinances to delay demolition in order that measures may be taken to preserve the structure. Accompanying this sort of approach is usually some form of compensation due the private property owner.

An historic preservation commission for implementing historic preservation ordinance, is often included. This commission may be newly created or it may be part of existing elements of the planning and political process. For example, smaller communities and those which are less concerned with historical preservation will frequently use an existing design review committee or planning commission as the original jurisdiction. Larger and more concerned communities, such as Santa Cruz, will usually set up a separate commission. The commission may be either advisory in nature or its decisions may have legal significance of their own. The decisions of an historic preservation commission, empowered by ordinance to make decisions, are naturally

stronger than those of an advisory committee whose decisions have no binding force. In almost every case, however, commission decisions are subject to appeal, either through a planning commission or through a city council or a board of supervisors. Commissions or advisory committees may be under a planning commission or directly responsible to the city council. Whatever the position, there is a close relationship between planning and historic commissions. For instance, in cases where areas are being designated as historic preservation zones, it is felt that this consideration is a part of the planning process, whereas other educational functions of an historic commission are not.

For Santa Cruz, an Historic Preservation Commission, working in tandem with the Planning Commission and the City Council, is recommended.

2. Historic Preservation District—Perhaps one of the most viable methods of historical preservation is the use of land use controls in areas where there is a concentration of historical buildings. This approach has been used successfully in a wide variety of cities throughout California. Essentially, this involves the establishment of an historic zone to encompass an area with a large number of historical structures. This zone would be like any other zone throughout the City, but would incorporate a number of aspects particular to the area. Normally, the special controls involve a careful review prior to the issuance of any demolition permit, and controls to regulate new construction to ensure it is compatible with the neighborhood. Other controls

can be incorporated which are most appropriate for each area; however, each area would have several points in common. Use of zoning controls for historical preservation has already occurred in Santa Cruz, with the establishment of the S-U(1) Zoning District, as previously mentioned. Consideration of this type of controls in other neighborhoods of Santa Cruz appears as one possible method of implementing historical preservation.

3. Redevelopment Process—Although often thought of as the antithesis of historical preservation, small redevelopment projects have provided the financial and legal framework for a number of historical preservation projects throughout the United States. Perhaps the most notable example of this type of project is the "Old Town" project in Alexandria, Virginia. In California, redevelopment projects in Sacramento and Napa have utilized the redevelopment process as a method of furthering historical preservation. Should any redevelopment project take place in Santa Cruz, close coordination with the Historic Preservation Commission and the Redevelopment Commission could further the goals of historical preservation.

4. Revision of Existing Fire and Building Codes—It is often the case that owners with a commitment to the preservation of historical structures find that existing fire and building codes have established new, higher standards which are not economically feasible when applied to older structures. This is particularly the case when an older building is located in a stringent fire zone, or when a



change of use is proposed. Where it is not feasible to bring or keep buildings up to code they are allowed to decay; thus creating hazards which the codes are designed to prevent, until such time as the building must be demolished. In several communities where it has not proven possible to institute a positive approach to preservation, building and fire codes have been altered to build in flexibility so that preservation is made possible at little or no cost to fire, life or structural safety. Because alteration of building codes is such a complex issue, there is really no substitution for a positive attitude to solving the new and the various problems which preservation and rehabilitation entail. The City Council of the City of Santa Cruz appointed a committee to study this matter and a new policy in this regard was recently adopted by the City Council. Ordinances of this kind are tools which work with, but are not necessarily dependent upon, the historic ordinance itself.

5. Scenic Easements—In some instances, it may be possible for the City to acquire, through purchase or donation, limited rights to a property. A "scenic easement", for instance, would prevent exterior alterations detrimental to the architectural integrity of the structure. This method has the advantage of retaining the building in productive private use. Such an agreement would be in the form of a deed restriction or covenant running with the land.

## **FINANCIAL FRAMEWORK**

1. Tax Incentive—The recent addition to State

tax law, Sections 50280-50289 of the Revenue and Taxation Code, enables a community to grant a tax break to owners of designated state and national landmarks. In the same way that interest and other deductions have created a favorable climate for ownership and investment in real estate, this process would stimulate ownership and preservation of historical structures by increasing their economic viability. The program is somewhat similar to the Williamson Act for agricultural properties; it is voluntary, requires the commitment of the owner and the locality for a period of years, and specified penalties for early withdrawal. It is not likely this program can be used on a large scale, because of the selective state and national criteria used for designating the historical structures which would be eligible for this incentive.

2. Non-Profit Group—One method used throughout the United States is the establishment of a revolving fund to be used to purchase and restore historical structures. Once restored, these buildings are then resold to private parties with certain deed restrictions preventing demolition or significant exterior and interior alterations. The San Francisco Heritage Foundation has utilized this approach successfully for a number of years in saving and "recycling" some of San Francisco's major historical structures. The prime advantage in such an approach is that it can combine both government and private monies to serve the common purpose of historical preservation. In Santa Cruz, a dollar-for-dollar, city/private contribution approach might serve as a direct method of increasing interest in historical preservation, as well as providing the much needed funds.

3. Government/Private Assistance—An increasing number of private and public groups are providing a wide variety of incentives to historical preservation. The National Endowment for the Arts has found a number of restoration projects of unique architectural structures. Private foundations, such as the Rockefeller Foundation and the America the Beautiful Fund, also provide financial assistance to interested communities. The primary prerequisite for receiving such assistance is an adopted plan for historical preservation and an Historic Preservation Commission with authority in this area. In short, if the community is seriously pursuing the goal of preservation, it is more likely to receive outside assistance.

4. City of Santa Cruz—Local assistance is perhaps the most effective means of furthering an historical preservation program. Although funds may be limited, the City of Santa Cruz, through a number of innovative programs, can provide a source of financial assistance. The most feasible methods would be participation in a revolving fund to purchase and restore historical structures. Once restored, these structures could be sold with the appropriate deed restrictions, and funds used in other restorations. Other possible methods include fix-up loans, tool loans, and similar self-help assistance. It is significant to note that, in the proposed Federal Community Development Revenue Sharing Program, funds may be used for historic preservation programs.

Other programs worthy of future consideration by the City are adoption of a Tree Ordinance, and the Museum Commission consideration of an Antiquities Ordinance. It is also important to note that the environmental review process can be used to identify and project significant archeological and historical sites.

#### **PRIVATE FRAMEWORK**

1. Commercial Restoration—The continued vitality and preservation efforts on the Santa Cruz Garden Mall, and its associated businesses, provide current proof of the commercial advantage which can be gained from restoring, rather than tearing down, Santa Cruz's old commercial buildings. An Historic Preservation Commission, working in cooperation with many of Santa Cruz's private businesses, could explore any number of new uses which can be made of the older commercial buildings in the downtown area.

2. The Individual—Perhaps most important, throughout Santa Cruz there are numerous small projects sponsored each year by owners of older houses to maintain their beauty and usefulness. No government body can duplicate these efforts, but perhaps a sincere thanks would be in order. In the end, it is this private effort which can be the most meaningful because it is uncomplicated and direct—people enjoy and take pride in their homes. The City's Historic Preservation Commission could assist in this process by encouraging lending institutions and other

groups to furnish loans and other forms of assistance to these individual efforts.

### **PRIORITIES FOR HISTORICAL PRESERVATION**

The following set of priorities are recommended as a starting point in the program of historic preservation:

Adopt Historic Preservation Plan which subsequently would initiate the following:

- Create the Historic Preservation Commission and adopt the Historic Preservation Ordinance.
- Designate an initial group of historical structures.
- Explore private and public sources of funds.
- Appoint an Older Building Task Force to review building and fire codes.
- Consider the adoption of property tax incentives for historical structures.
- Continue coordination and cooperation with private groups.
- Urge the Museum Commission to initiate the identification, documentation, and preservation of archaeological resources within the City.

### **SUMMARY**

Santa Cruz, as has been shown in this Plan, has a wealth of architectural variety. What makes Santa Cruz so unique is the way its past history and architectural variety have blended into the City life of today. The Historic Preservation Plan is an important step to ensure the continuation of this unique Santa Cruz town-

scape. As many residents are now realizing, it is the City's unique townscape which makes Santa Cruz one of Northern California's biggest attractions. The City now hosts 2.5 million annual visitors. It makes both economic and environmental sense to protect and enhance this valuable, cultural resource.







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# AMENDMENT:

*procedures for the  
protection of  
archaeological  
resources*







PROCEDURES FOR THE PROTECTION OF ARCHAEOLOGICAL RESOURCES  
IN THE CITY OF SANTA CRUZ: AN AMENDMENT TO THE HISTORIC  
PRESERVATION PLAN, AN ELEMENT OF THE GENERAL PLAN AND A  
COMPONENT OF THE LOCAL COASTAL PLAN                      MARCH 17, 1981

City Council Resolution   NS-14251

Historic Preservation Commission  
City of Santa Cruz --- July 1980  
City Planning Commission of the  
City of Santa Cruz --- Feb. 1981





## TABLE OF CONTENTS

INTRODUCTION	1	APPENDICES	
Why Preservation of Archaeological Resources?	1	A. Archaeological Report Types	30
A WELL LOOKING, AFFABLE PEOPLE...The Ohlone of Aulintak/Santa Cruz and Their Predecessors	2	B. Minimum Guidelines: Archaeological Survey Reports	34
THE IDENTIFICATION AND PROTECTION OF AREAS OF PROBABLE RESOURCE	15	C. Qualification of Archaeological Consultants	35
•The Sensitivity Map	17	D. Typical Conditions	36
•Utilizing the Sensitivity Map	19	E. CEQA - Categorical Exemptions	37
MITIGATION, PRESERVATION	22	F. Environmental Assessment — Negative Declaration	42
PROTECTION OF KNOWN SITES	24	G. Legislation	45
NATIVE AMERICANS	26		
PROTECTION AFTER PROJECT APPROVAL	28		
PROJECTS ON PUBLIC LANDS	29		
DISPOSITION OF RESOURCES	31	Recommended Additional Readings	10



## INTRODUCTION

In September 1974, with the adoption of the Historic Preservation Plan, an Element of the General Plan of the City of Santa Cruz, the following work item was listed as a priority of the City's Historic Preservation Program: "...initiate the identification, documentation, and preservation of archaeological resources within the City."

The importance of this task was further emphasized in the City's 1990 General Plan: "Archaeological history...is significant to the City's historic fabric and needs to be protected as new decisions about future land uses are made."

Communities under the jurisdiction of the California Coastal Act are required to provide for reasonable mitigation measures where development would adversely impact archaeological resources and to develop, through a Local Coastal Program (LCP), a formal procedure to accomplish this goal. Furthermore, under the National Environmental Policy Act of 1969, the National Historic Preservation Act of 1966, the Preservation of Historic and Archaeological Data Act of 1974, and the California Environmental Quality Act of 1972 (CEQA), the City is required to take into consideration and evaluate significant or major actions that will affect important cultural archaeological resources.

The following policies and programs were developed to respond to the requirements of CEQA and the City's LCP. More important, however, they are intended to serve the general public by providing a secure and well-articulated set of procedures designed to integrate

archaeology into the planning process at its inception, and to ensure responsible management of both known and unknown nonrenewable resources.

### WHY PRESERVATION OF ARCHAEOLOGICAL RESOURCES?

The City's archaeological resources are unique and nonrenewable. Some are sacred to Native Americans, some are associated with prehistoric and early historic cultures; all serve to illuminate the nature of the past.

Although archaeological resources in the City of Santa Cruz were once abundant, providing the community with a rich and vital link to our Native American, Spanish, and American heritage, much has been destroyed as the City prospered and built.

The destruction, for the most part, resulted from ignorance rather than intent for, in contrast to historic structures, archaeological resources are generally not visible until disturbed or destroyed. Even now, local citizens are largely unaware of their existence. That is why it is necessary to take action to encourage both the protection and the effective management of archaeological resources.

GOAL - TO ENSURE THE PROTECTION AND PROPER DISPOSITION OF ARCHAEOLOGICAL RESOURCES WITHIN THE CITY OF SANTA CRUZ, IN ORDER TO ASSURE PRESERVATION FOR THIS AND FUTURE GENERATIONS OF RESOURCES IMPORTANT TO THE COMMUNITY'S HERITAGE.





## A WELL LOOKING, AFFABLE PEOPLE...

### The Ohlone of Aulintak/Santa Cruz and Their Predecessors

For thousands of years until a mere one hundred fifty years ago, Santa Cruz and its surrounding lands were the undisputed home of a people now popularly known as Ohlone. Their homelands reached from the tip of the San Francisco peninsula, around the eastern shores of San Francisco Bay, along the coast and throughout the Santa Cruz Mountains, beyond Monterey to Point Sur, and across the Santa Clara Valley eastward to the Mount Hamilton Range. Throughout these lands their imprint remains. Huge mounds of ancient village midden now blend with the gently rolling, oak studded foothill landscape. Traces of fishing camps are found where salmon and steelhead were netted as they raced up countless streams in staggering numbers each winter. Outcroppings of bedrock used for grinding the abundant acorns into meal are now hidden beneath grasses and brush where extensive groves of tanoak once grew. The people themselves lie in carefully planned cemeteries beneath today's urban landscape, placed there with reverence and ceremony over the millennia.

The life the people led was very different from that of their descendants today, and seems even more unfamiliar to the people whose lives and work now order changes upon the ancient landscape. The Ohlone people, who once numbered 10,000 or more over their entire land and at least 600 in several villages in and around Santa Cruz, were nearly annihilated under the impact of expanding European

cultures during the eighteenth and nineteenth centuries. Decimated by non-native diseases, parted from their extended families during mission residence, often hunted for sport or vengeance, the survivors dispersed to the hinterlands of their country. Many quietly accepted invisibility under the shield of borrowed culture, while the elders became caretakers of the languages and the traditional ways of their people.

What is known of the Ohlone has been extracted from the records of their observers and from information shared by the Ohlone themselves. Books of births, deaths, marriages and baptisms kept by the Spanish Colonial Missions provide village place names and kinship records. The diaries and sketches of botanists, artists, explorers and tradesmen of the late eighteenth and early nineteenth centuries provide descriptions of native and mission activities. The field notes of nineteenth and twentieth century ethnographers record remnants of languages and lifeways collected for study in the new American anthropological and ethnological institutions. Ohlone descendants today share knowledge inherited from their grandmothers, providing insight to the harmonious interchange of natural, spiritual and human worlds. Archaeologists have prepared reports from surveys and excavations of prehistoric Ohlone sites and those of surrounding culture areas. The studies analyze and compare artifactual material and plot the distribution of related archaeological





sites across the landscape. Their work seeks answers to questions concerning the migratory origins of the people, the time depths of their village occupations, strategies the people used to compensate for stresses of overpopulation, and their long-term adaptation to climate changes that profoundly affected their social and economic organization. A history compiled from all these sources is summarized here, in order that the people of Santa Cruz today might obtain a clearer view of the ancient lifeways that left their mark in the form of archaeological deposits. These archaeological sites have become our inheritance from a people whose voices have been for the most part stilled.

Early man is believed to have entered California some thirty thousand years ago. As bands of hunters followed migratory game close to the end of the last ice age, they traversed a now submerged land bridge connecting the northernmost portion of the Asian and the North American continents. Their route carried them east and south through plains and mountain passages over a period of several thousand years. Their camps were placed close to the lakes and marshlands that formed the habitat for the large game they sought. These early hunters entered California through the Owens Valley, reaching the Southern California coast approximately 20,000 years ago. Coastal archaeological sites left by the earliest arrivals are believed to lie beyond the present shoreline, where they were inundated as the great continental ice sheets receded under the warming climate.

Archaeological sites dating from eight to twelve thousand years before the present date (B.P.) have

been found with more frequency. Laboratory dating methods such as carbon-14 analysis have assigned positive dates to the organic material remaining from ancient occupations. The stone and bone tools and food remains contained in those deposits speak of a people whose survival depended on the ability to disband and follow migratory large game and waterfowl. They processed local seed-bearing plants by grinding the hard seeds with handstones against a flat stone metate. These ground stone implements and distinctively shaped spear points and knife blades now identify their campsites. A recently excavated archaeological site in Scotts Valley produced material with a carbon-14 date of about 10,000 B.P., indicating that these early hunters/gatherers preceded the better known Ohlone in the Santa Cruz area.

Information from other sources also supports an early date for occupancy of the central coast. An Ohlone spokesman in the San Francisco Bay area has related an ancestral oral tradition describing the course of his people's settlement of that area. The tribal history recalls a cataclysmic inundation of San Francisco Bay, separating the Ohlone from their native homes among the Miwok of the Sierra Nevada foothills, where they had planned to return with traded coastal goods. Linguistic analysis of the Ohlone language as it was recorded in the eighteenth and nineteenth centuries confirmed the close relationship between the geographically separated Ohlone and Miwok languages. However, the language of the neighboring Esselen people below Carmel was found to be not only unrelated to Ohlone, but also far more ancient. Geologists have extracted core samples from the



floor of San Francisco Bay. Through analysis of layered deposits, they have confirmed that the bay was the site of a wide, lush valley watered by flowing streams approximately 9,000 to 12,000 years ago. These data all suggest the presence of an early hunter/gatherer culture in Santa Cruz County who were eventually displaced to the outskirts of their territory by geological changes and the pressure of incoming people from the central valley and the Sierra foothills.

Archaeological sites from the following culture periods, dated from 8,000 to 4,000 B.P., are found with even greater frequency throughout California. These sites were left by people who settled in to specialize in the processing and use of local plant and animal resources. The comparatively large sites indicate a cohesive village structure and establishment of food-gathering and trade resource territories where they occur along the coast, within inland valleys, and in mountain passes.

At the present time, archaeologists have been unable to determine the extent of interaction between the marine-adapted people and those who produced the earlier "hunting culture" sites. Continued analysis of the natural culture and linguistic origins of the people may explain their ancestral relationship to the present-day Ohlone. One continuous complex of sites dating from this period has been recorded along a stream just outside the Santa Cruz city limits. The locations and contents of the midden deposits indicate that the people moved from one established camp to another on a seasonal basis, taking advantage of both inland

and coastal products, and trading outside their territory for traditionally used materials this area lacked. Their preference for campsite locations was repeated by later historic period settlers, who also selected the advantages of adequate water, warm southern exposures, and relatively flat terrain for their initial settlement ventures. Because of this selection process, it is probable that many archaeological sites of such antiquity were obliterated in the process of nineteenth and twentieth century settlement of the City of Santa Cruz. Some of the prehistoric middens remaining alongside no-longer-existing marshes and water-courses near downtown Santa Cruz could be expected to provide evidence of these early marine adapted people.

The period of settling in and adapting to coastal resources was followed by one of tremendous population increase throughout the state from 4000 to 1500 B.P. The population increase was apparently related to the rapid diffusion of techniques for processing and storing acorns, which provided a high-quality protein in an easily stored staple food. With the adaptation to efficient use and storage of acorns, permanent villages were established for wintering over in the areas close to desirable food and trade resources.

The large, more sedentary population required a more explicitly structured tribal social organization than was necessary for the earlier mobile bands, in order to deal with the increasing complexities of food distribution, marriage alliances, trade, and warfare. Some indication of the importance of particular individuals or lineages





over other villagers during this period is evidenced by the increase in decorative and useful grave goods accompanying certain burials. The accumulation of goods for burial implies individual wealth and status, possibly only with the compliance of the larger group in the dedicated, time-consuming preparation of the objects. The internal arrangements of some larger cemeteries from this period have also shown an emerging pattern of status differentiation, with people of importance or power buried with a profusion of exotic grave goods in the cemetery center, while those with fewer grave goods were placed in concentric circles or groupings outward from center.

By 500 A.D., 1500 years before the present, the speakers of the eight Ohlone languages dominated throughout the Ohlone territory, while speakers of the older Hokan languages had been displaced to the north and south. The Ohlone rise to dominance and changing social organization may be reflected in the remaining cemeteries that were partially destroyed in the process of construction of several Santa Cruz commercial and residential projects in recent years. At least one of the large Santa Cruz village sites, near the mouth of the San Lorenzo River, is thought to have been established during this period of complicated political and economical change.

The period from 500 A.D. to contact with European cultures in the eighteenth century is one for which there are many records and influences. During this period, the people were to greet the Spanish land expeditions, become politically organized into tribal units recognized and recorded by

missionaries and later ethnographers. The Spanish bestowed the name "Costeños"<sup>1</sup> upon the coastal population, later corrupted to "Costanoan" by English-speaking writers, while the Ohlone names were lost or disregarded. Early in this period, the people living in and around Santa Cruz established themselves as a significant link in an intricate chain of exchange that extended to Lake County, Santa Barbara County, and the eastern Sierra Nevada. The trade network distributed coastal shell to the Sierra Miwok and Mono people, where it was worked into beads used as markers of wealth and exchange value. Salt and dried abalone were valued by the inland Yokuts people, whose territory had to be traversed and traders dealt with on journeys to the east. In return, obsidian for tools and ceremonial objects, piñon nuts and other exotic foods, and highly valued magnesite and cinnabar ore were brought to the coast villages. The Chumash of Santa Barbara were contacted for steatite (soapstone), which was carved into bowls and ceremonial pieces. The Pomo of the interior coast ranges of Sonoma County provided an alternative source of obsidian. The extent of this trade network, stretching as it did across language boundaries and foreign territories, required a specialized trading language, a well developed clam shell disc bead economy, and above all, critical marriage and kin alliances in strategically located villages along the trade routes.

The coastal people and their villages were described with interest by the Europeans who came into contact with them. "A well looking, affable people," recalled geographer Fray Antonio de la Ascencion on Vizcaino's 1602 visit to





Monterey Bay, "and very ready to part with everything they have. They are also under some form of government..." More than a century and a half later, Pedro Fages described their good features, light skin, and long moustaches. "They are very clever at going out to fish in rafts of reeds," he added. The same year, Fray Vincente Santa Maria observed their "...comely elegance of figure, quite faultless countenance...[their] hair kept arranged or in a closely woven small net...quick-witted, fond of trading, and tractable." They were sketched in skin capes and fiber skirts at their daily work, sketched on the Bay in their tule reed boats, sketched at play in games of skill and chance, sketched partaking in their "peculiar habit" of daily bathing, and sketched in ceremonial dress of deeply contrasting body paint, feather headdresses, and abalone shell pendants; later they were sketched in mission robes as they sat in small, quiet groups, appearing to their observers as sullen, disagreeable, dark, and filthy.

The native villages were described as clusters of dome-shaped, reed-covered houses with an assortment of granary structures, work shelters, a large meeting house in the central tribal village, and the always present temescal or sweathouse for daily bathing. The people were settled in large, organized villages ranging from 50 to 500 in population, with a number of smaller, seasonally occupied special use sites in association with the main village. In Santa Cruz, the largest village housed about 200 people. Special use sites in Santa Cruz included quarries and workshops where the local stone tool resource, Monterey banded chert, was extracted and worked into a variety of knives,

arrow points, skin and fiber scrapers, and drill points for the manufacture of beads. In the forests, hunting blinds of piled rock were placed near game trails, often with pecked rock art nearby. Fishing camps were established along the streams, where nets and traps were constructed and installed. Shellfish processing sites were established above the rocky shores where abalone, mussels, clams, and various tidepool resources were gathered. Acorn processing was done within or near the groves of oak where well-located outcroppings of bedrock provided a place for the formation of grinding mortars. The women also made use of portable hopper mortars, which were shallow ground-stone bowls upon which an open-bottom basket was cemented. Landmark shrines were visited for observing astronomical events and religious ceremonies. A multitude of other activities left few material traces; specially dedicated meadows where rabbits were driven and captured in the spring by the entire village populace; hunting trails that followed ridges and canyons; particular tracts of land saved for the gathering of special basketry materials; personal shrines and landmarks from which individual powers were renewed; and ceremonial caves and shelters for uses that were kept secret from prying anthropologists.

It is difficult to observe the radically changed Santa Cruz landscape today and imagine the abundance of water, wildlife, plant life that formed the Ohlone landscape. Neary's Lagoon was surrounded by campsites occupied while useful plants and migratory waterfowl were gathered. Once captured with the trickery of artfully made decoys



and mimicked calls, the birds were used not only for food but also for feather capes and blankets, ceremonial costumes, bone whistles and flutes, and bone basketry awls. The air would be dense with the rising and settling waterfowl, while the now extinct tule elk gathered in great herds around the shoreline. Thick stands of tule reed penetrated the lagoon; the tule was gathered to weave into mats for house coverings and bedding, or tied into bundles for the construction of boats.

A large village, probably the one called "Aulintak" in later ethnographies, commanded a view of the lagoon, the bay, the San Lorenzo River, and several other villages to the north, east, and west from its vantage point on Beach Hill. The type of shell bead found in the archaeological deposits of Aulintak may indicate that its antiquity reaches back 2,000 years. The Westlake area, with its abundant rushing streams and springs, was the site of an exceptionally large, activity-zoned village—possibly the one called "Chalumu" in later records. The people of Aulintak and Chalumu Awaswas spoke one of eight Ohlone languages, in which they communicated with neighbors at Hotochtak, believed to be north of the present city, at Sokel, Aptos, Sayant, Achistaca, and Uypen.

The Ohlone beyond Davenport spoke an entirely different language called Ramaytush. It was a Ramaytush territory that the village of Olxon was located. The name "Ohlone" was taken from this place, which has now come to be the preferred designation used to refer to all the groups that spoke the eight "Costanoan" languages. The central valley Yokuts and the Sierra Miwok

apparently referred to all the coastal traders as Ohlone, which has been translated from Miwok as "people of the west."

Beyond the Awaswas speakers below Aptos, the Ohlone spoke another language called Mutsun. The Mutsun speakers had their own name for the villages of Santa Cruz, calling them Hardeon. The Mutsun were living in a central village at Kalenta-ruk on the Pajaro River in 1769, when they were given an unexplained, enormous fright by the appearance of mounted Spanish soldiers of the Portola expedition. The people of Kalenta-ruk left an extremely large stuffed bird totem, now believed to have been a California Condor, at the site of their village when they fled. This sight so impressed the Spaniards that they gave their own name for "bird" (pajaro) to the river at Kalenta-ruk. Below the Mutsun, the Rumsen of Monterey spoke a dialect much more closely related to Awaswas than to their immediate Mutsun neighbors. This puzzling bit of information may hint of recently active displacement of the coastal people in the Pajaro Valley/Elkhorn Slough area.

The people of Aulintak and Chalumu followed a seasonal rhythm as they collected the bounty of their land. The spring brought tender shoots of edible plants, along with the proliferation of young animals and edible insects. The summer brought harvests of grasses for basketry and fiber, bulbs, roots, seeds, fruits and berries from hundreds of edible and useful plants. Deer were hunted with sinew-backed bow and arrows in the tall grass meadows, where the hunger brought the curious animals into breathtakingly close





range by mimicry of the deer's movements while completely clothed in a deerskin decoy. Autumn brought the acorn harvest, which occupied the intense concentration of all the villagers in the gathering, preparation of pits for leaching and baking, and for the ceremony that accompanied the yearly harvest. Wild geese and ducks were captured in lagoons, fish were harpooned or netted in the rivers, lagoons, and bay, and sea mammals were captured on and off shore. Shellfish were a regularly gathered staple food as important to the Ohlone diet as the acorn. Preparation for winter included the burning of great expanses of meadow and forest, to encourage the new plant growth preferred by the Ohlone and by the browsing animals they hunted. Winter rains brought the influx of salmon and steelhead along with movement from the hills to more favorably located winter villages. Throughout the winter the women worked on their exquisite basketry, now known throughout the world for its beauty and intricacy of design. Stores of acorns, dried fish and meat, seeds and nuts were tapped through the winter to supplement the leaner diet. Within the communal houses, elders repeated the tribal oral traditions, passing on the accumulated wisdom of several thousand years of their world history. Ceremony, song, dance, and fable constantly reinforced the people's sense of their place in the rhythm of the universe, weaving them into the fabric of sun, moon, stars, earth, water, and the earth's other living creatures. That rhythm was irreparably broken with the onset of European cultural dominance over their lands.

Today, the villages of Aulintak and Chalumu lie

beneath the houses, streets, schools, and businesses of Santa Cruz. The descendants of the Ohlone care for their ancestral home in spirit and, more frequently now, in anger when carefully interred remains are wrenched from their graves in the unrelenting intensity of modern development. Of the 230 Ohlone archaeological sites recorded in Santa Cruz County by mid-1980, fourteen were found within the Santa Cruz city limits. These covered the range from large village to small special-use sites. Of the fourteen recorded sites, five have been destroyed beyond nearly all scientific value, either by natural erosion or construction throughout the entire site without benefit of archaeological investigation. Eight sites have been disturbed in part by construction of houses or roads, or are partially eroded away, but appear to contain intact portions either beneath surface disturbance or in areas adjacent to modern construction. Portions of the Delaveaga area contain sites where chert tools were repaired and reworked, leaving large amounts of chipping waste in the midden soils. There also exist areas near UCSC that include small multiple-use campsites, areas of Seabright where shellfish were processed for food and ornaments, and areas of Westlake associated with Chalumu where chert was worked from raw material into useful tools and projectile points. An area near Pogonip exists where tools were reworked, and where diarists of Portola's expedition described temescal, the sweat-houses used for ritual and daily bathing. Areas around Neary's Lagoon still contain portions of much larger sites where any number of the marsh-associated activities would have taken place.





Only one site has been recorded that remains free from modern disturbance, defined as a hunting camp from its surface debris, where game was apparently butchered and distributed among the hunting party. Other sites are likely to exist unrecorded, perhaps concealed under silty layers of alluvial wash, perhaps covered by parking lots or suburban vegetation, or hidden in brushy canyons now made impenetrable by chaparral that the Ohlone would have burned away yearly. This fragile, depleted archaeological wealth is our inheritance from the past. Preserved with care and excavated with the integrity of explicitly scientific research, the sites can be expected to provide answers to our remaining questions about the Ohlone and their predecessors. Our understanding of past human response can arm us with knowledge for facing the future, when we can expect economic fluctuations, population stresses, and climatic changes to act upon the culture of the new "people of the west."

MaryEllen Ryan -- July 28, 1980

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<sup>1</sup>Note: The Spaniards referred to the Bay Area Indians as "Costeños"—people of the coast. This term was mispronounced by the early settlers and it became "Costanos" and, eventually, "Costanoan"—a term which, according to Malcolm Margolin, is disliked by the descendants of the Monterey and San Francisco Bay Indians who prefer to be called Ohlones.



## RECOMMENDED ADDITIONAL READINGS

A summarization such as the preceding cannot begin to describe in any detail the richness and variety of California Indian culture. The following are readily available sources for those wishing to further their understanding of the Ohlone and other California Indians. Asterisk indicates exceptional sources.

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## THE IDENTIFICATION AND PROTECTION OF AREAS OF PROBABLE RESOURCE

### THE SENSITIVITY MAP

**POLICY:** THE CITY SHALL TAKE SUCH ACTION AS NECESSARY TO IDENTIFY AND OBTAIN INFORMATION ON THE EXISTENCE AND SIGNIFICANCE OF ARCHAEOLOGICAL SITES.

Procedure: The City shall obtain from the California Archaeological Site Survey Regional Office No.1, a list of recorded archaeological sites in the City of Santa Cruz. The City shall also obtain a constraint/sensitivity map to delineate those areas within which archaeological resources are likely to be found.

In order to ascertain which areas of the City are likely to contain archaeological resources, it is necessary to examine a broad base of environmental, ethnographic, and archaeological data. The availability of fresh water and food, the patterns of habitation, and ritual and burial customs are among those factors which must be taken into consideration in trying to determine which areas of the City hold evidence of pre-historic and early historic sites.

Existing documentation is also important. Regional information on recorded archaeological sites is on file with the California Archaeological Site Survey Regional Office at Cabrillo College. Historical records of the Mission Period may also indicate the locations of early historic sites.

Map A which follows was prepared by the California Archaeological Site Survey, Central Coast Counties Regional Office, to indicate areas of probable cultural resource.

The following criteria were used in developing the map:

- A 500-foot buffer zone on each side of the San Lorenzo flood plain, except where contours or other data allowed zone reduction.
- All inland water courses, including historic and pre-historic streams, springs, or marshes, except where contour elevations or other data allowed zone reduction.
- Burial ground, cemeteries, mission areas, mines, and quarries, and other pertinent historic places.

The research for the sensitivity map involved extensive inquiries and searches for old maps that might indicate waterways and drainage patterns that are no longer visible. The map was checked against the location of known sites on file with the Regional Office and found to be consistent.

It should be noted that the map does not distinguish between known sites and potential sites. This is because archaeologists have determined that the distribution of maps showing specific site locations has often led to indiscriminate digging by artifact collectors and vandals. Known sites are listed separately, following the map, by general location and reference number.

It should also be noted that the map concentrates on prehistorical resources. This is because of the availability of relatively systematic information on prehistoric resources via the Site Survey Regional Office. To date, no similar work has been

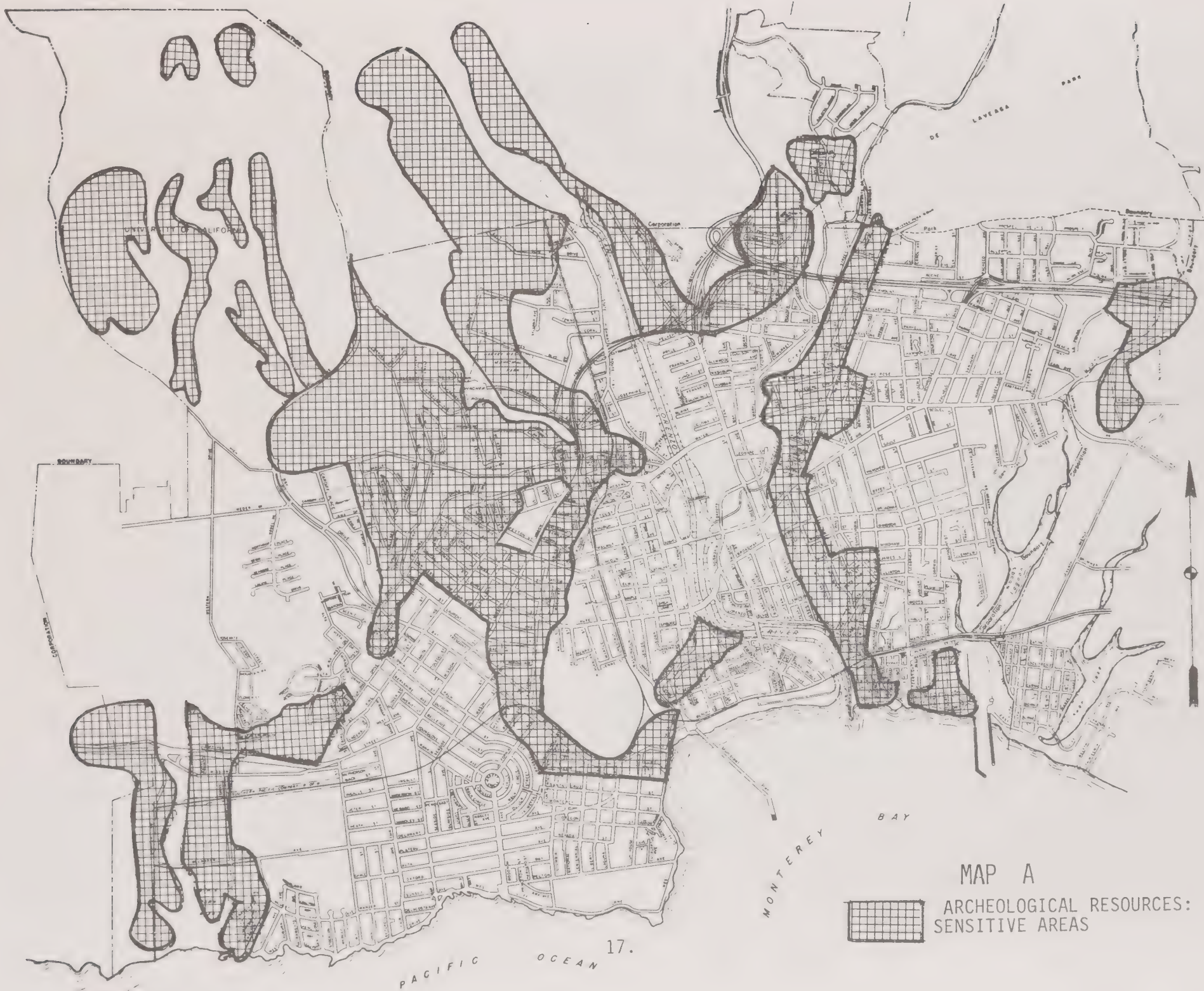


done on historical sites, that is, those of early settlement. To make the Historic Preservation Plan truly comprehensive, steps should be taken to pursue such information.

PROCEDURE: The City shall provide funding for the Historic Preservation Commission to hire a qualified professional to develop a constraint/sensitivity map to delineate those areas of early settlement within which archaeological resources are likely to be found. Provision shall also be made for a descriptive narrative to accompany this map.







MAP A



ARCHEOLOGICAL RESOURCES:  
SENSITIVE AREAS



# Archaeological Regional Research Center

Cabrillo College, 6500 Soquel Dr., Aptos, CA 95003/(408) 425-6294

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## Archaeological site numbers and general description of location

CA-SCR-12	Beach Hill area
CA-SCR-24	University Heights area
CA-SCR-25	University Heights area
CA-SCR-80	Neary Lagoon area
CA-SCR-87	Neary Lagoon area
CA-SCR-89	Seabright area
CA-SCR-93	Neary Lagoon area
CA-SCR-94	Westlake area
CA-SCR-106	Pogonip area
CA-SCR-114	Mission Hill area
Ca-SCR-116	De Laveaga area
Ca-SCR-142	UCSC area
CA-SCR-181	UCSC area
CA-SCR-182	UCSC area
CA-SCR-183	UCSC area
Ca-SCR-184H	UCSC area
CA-SCR-185H	UCSC area
CA-SCR-186H	UCSC area
CA-SCR-187	Seabright area
Ca-SCR-198H	Westlake area
CA-SCR-210H	East Water Street area
CA-SCR-212H	Mission Hill area
CA-SCR-216H	Mission Hill area
CA-SCR-217H	Mission Hill area





## UTILIZING THE SENSITIVITY MAP

Two types of human-induced actions have been responsible for the destruction of archaeological resources. One is generally held to be "legitimate", destruction of sites through land levelling and urban development. The other is "illegitimate", vandalism often occurring via inexperienced diggers and commercial dealers in relics and artifacts.

Through its regulatory and discretionary processes, a government agency can attempt to affect both types of destruction.

Currently, the California State Penal Code, Title 14, Section 622.5, states "...every person, not the owner thereof, who willfully injures, disfigures, defaces or destroys an object or thing of archaeological or historical interest or value, whether situated on private lands or within any public park or place, is guilty of a misdemeanor."

The California Health and Safety Code, Section 8100, contains a provision to protect Native American cemetery sites. A cemetery is defined as the burial place of six or more bodies, even if the site is not public and is unmarked. The law provides that any person who mutilates or disinters human remains, with the exception of friends or relatives (for the purpose of reinterment) or an authority of the law, shall be guilty of a felony.

The primary contribution of a municipal agency, however, is not regulatory but, instead, is in the area of protection via discretionary actions through the land use development process.

Most of the laws on cultural resource protection that have been enacted by federal, state, and local

jurisdictions have as their purpose the mandatory incorporation of archaeological considerations in the planning process. The challenge to a local jurisdiction is to develop a simple and equitable method that allows a city to determine whether a given project will be likely to damage archaeological resources, early enough in the planning process so that the project can be redesigned or mitigation measures developed without undue hardship to the applicant.

POLICY: THE CITY SHALL ENCOURAGE EARLY IDENTIFICATION OF SENSITIVE SITES IN THE LAND-USE PLANNING AND/OR DEVELOPMENT OF AN AREA, IN ORDER THAT ARCHAEOLOGICAL RESOURCES CAN BE GIVEN CONSIDERATION DURING THE CONCEPTUAL DESIGN PHASE OF A PROJECT.

Procedure: The City shall obtain site specific information via preliminary site surveys of all vacant parcels designated within areas of probable resource. This information will be made available to project proponents for evaluation as part of the environmental assessment procedure.

Procedure: Additional site specific information shall be obtained through the requirement to provide archival research, site surveys, and necessary supplemental testing as part of the initial environmental assessment under City procedures for projects submitted for discretionary action.



For all projects submitted to the City for discretionary action, except those projects exempt under adopted CEQA guidelines, a determination must be made as to whether the project has a potential for significant adverse impact to the environment.

The project proponent completes a questionnaire (initial study) to evaluate the impact of the project on a number of environmental factors, one of which is cultural resources. The questionnaire states:

"Could the project result in the alteration of a significant archaeological or historical site structure, or building?"

When answered with reference to Map A, a positive response would be required for projects proposed on sites located within the areas indicated as having potential for cultural resource. Therefore, information is required on the existence and extent of resources before an environmental determination can be executed.

Procedure: Archival research and site surveys will be required for projects proposed on parcels delineated on an adopted map as being in an area where the possibility of archaeological resources exists and which have not been previously investigated.

Information obtained via the preliminary investigations of vacant parcels commissioned by the City will be made available for evaluation as part of the environmental assessment procedure.

For other sensitive parcels, the City will arrange for preliminary site surveys at the request of the property owners.

Should such surveys indicate the need for more comprehensive investigation, it will be the responsibility of the project proponent to obtain the services of qualified individuals and to provide the necessary information.

Procedure: All research and site surveys must be performed by qualified professionals in the field in which they are reporting. (Appendix C)

Procedure: A written report describing the findings of the research or survey shall be provided to the City. Concurrently, a copy of the report shall be placed on file at the Archaeological Site Survey Central Coast Counties Regional Office.

Procedure: Each private project proponent shall be responsible for all costs associated with secondary identification and testing to determine the existence and extent of archaeological resources.

Procedure: Costs borne by the City for preliminary surveys on specific parcels will be recovered when building permits are obtained for said parcels.

There are several types of reports that can be expected when an archaeologist is required to evaluate a project for cultural resources. A





literature/archival search and research report provides background information on a particular area without field reconnaissance. This is usually done in conjunction with a preliminary field reconnaissance, a relatively superficial inspection of the project area. A more comprehensive survey, the intensive field reconnaissance, provides data on both surface and subsurface conditions. The most extensive type of survey, subsurface/secondary testing, usually reserved for known sites and for situations where impact on the resource cannot be avoided, involves extensive subsurface testing. Appendix A provides detailed information on these report types. The type of report required for a specific project will depend on a number of factors, including the extent of known resources on the site or on adjacent parcels and the extent to which the site has been disturbed in past years. The Administrator of Environmental Quality, or his designee, can determine the appropriate survey for each project.

Likewise, following current environmental assessment procedures, the Administrator of Environmental Quality or his designee would review survey reports to determine if the report is complete and acceptable, according to the minimum guidelines for survey reports listed in Appendix B.

The written report must include an evaluation of the extent of any resources found on the site, as well as recommendations regarding the disposition of newly discovered or existing

sites, and mitigation measures directed specifically to the proposed development.

POLICY: THE CITY SHALL EVALUATE EACH POTENTIALLY SIGNIFICANT SITE AS TO THE EXTENT OF RESOURCES PRIOR TO APPROVAL OF ANY PROJECT WHICH MAY ADVERSELY IMPACT THE SITE.

POLICY: THE CITY SHALL DETERMINE PROPER SITE DISPOSITION PRIOR TO APPROVAL OF ANY PROJECT WHICH MAY ADVERSELY IMPACT THE SITE.

#### UPDATING THE SENSITIVITY MAP

As new information is received, provision should be made for updating the resource map(s) on a regular basis.

Procedure: At a regular interval, to be decided by the Commission, the City's Historic Preservation Commission shall consider the most recent information on archaeological resource and move to amend the Sensitivity Map as appropriate.



## MITIGATION, PRESERVATION

The interest in exploring the past through archaeology has developed slowly over the last few hundred years, moving from treasure-hunting and a desire to dig up Biblical places, to a special kind of science closely allied with anthropology. Archaeological sites are the frozen records of past environmental, geologic, and social conditions as they have changed through time.

Contemporary archaeology attempts to minimize the distinction between the value of individual sites, as each site provides data that contributes to the study of wider theoretical problems. Information on settlement patterns, movements of people through the seasons, hunting and gathering, information on trade, social organization and kinship may come from data confined to one specific kind of site or be recognizable only when related to other sites. In all cases the data must be intact so that the context, which gives the individual artifacts their meaning, is not disturbed.

Because of the increasing pressure on the development of urban lands, the increasing scarcity of resources to be applied to archaeological research and the limited technology currently available within the field of archaeology, the emphasis has turned from excavation to site conservation. The recommended action is not so much to "dig it up" as to "leave it intact", either for future generations to explore or for the spiritual value to Native Americans. In this approach, excavation is used only as a last resort against destruction.

An emphasis on site preservation allows for both the economic use of urban lands and resource preservation. Because there are several other approaches to mitigation and because their appropriateness is dependent on site specific conditions, it is important that recommendations on site disposition be made by an archaeological professional

Procedure: All reasonable and feasible recommendations as to site disposition (mitigation plan) should be incorporated in the information provided through the environmental review process.

Procedure: Site disposition may be in the form of preservation (conservation), or salvage as determined by the City. Site preservation should be given the highest feasible priority.

A mitigation plan is the primary tool for protecting sites which are threatened by adverse project impacts. Some examples of specific mitigation techniques include :

- a. Site preservation via relocation of project impacts. A minor redesign of a project can often avoid impacting the resource. This can often be done by relocating open space, landscaping, or parking facilities.
- b. Site preservation via burial of the site. A site may be covered with a layer of fill sufficiently thick to insulate it from impact. The surface can then receive buildings which





do not require extensive foundations and/or removal of all topsoil.

- d. Salvage. When a project impact cannot be avoided and the results will be extreme, it may be necessary to conduct a salvage operation. This is a last-resort form of partial mitigation because excavation, even under the best of conditions, is limited by time, costs, and technology.
- e. Site supervision. It may be desirable to have a professional archaeologist on site during grading and utility trenching to prevent disruption of resources discovered during earth-moving activities.

Procedure: The Planning Director will review all reports for recommendations as to site disposition. These recommendations shall be considered through the City's discretionary processes.

Procedure: If, in the opinion of the Planning Director, the recommendations are unusual, disproportionate, or inadequate, he may choose to request review and comment by an appropriate advisory group, agency, or expert.

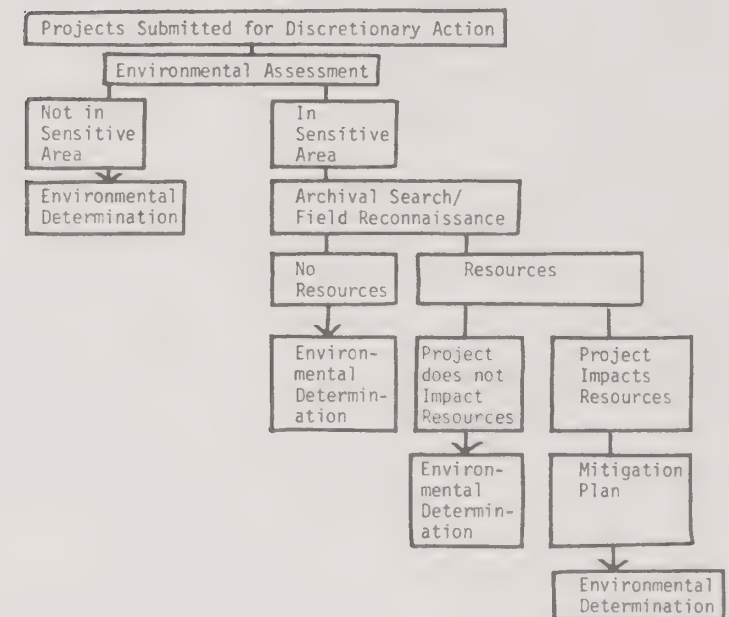
The Planning Director may choose to ask knowledgeable persons, such as professional members of the archaeological community, members of the Historic Preservation Commission, A Native American representative, or a consulting civil engineer, to review and comment on the mitigation plan.

### Summary

Figure I illustrates the procedures set forth in this section. It clearly shows that the approach minimizes unnecessary delays and expenses, for extensive information is requested only when there is definite evidence that a site contains cultural resources.

FIGURE I

### ARCHAEOLOGICAL RESOURCES REVIEW PROCEDURE





## PROTECTION OF KNOWN SITES

The procedures outlined in the previous section are keyed to environmental assessments for projects in areas of probable cultural resources that require discretionary action by the City. Under CEQA, certain classes of projects are entirely exempt from environmental review. These include ministerial actions and categorical exemptions. Categorical exemptions are those projects which are considered normally not to have a significant effect on the environment, such as new construction of single-family units, small motels, stores and offices, and utility extensions. A complete list of categorical exemptions is found in Appendix E.

Based on the examples listed above, it is conceivable that some projects that are categorically exempt could have a major impact on archaeological resources through grading or other types of site disturbance. The excavation of a swimming pool on the site of the Santa Cruz Mission, for example, could elicit considerable community concern.

This raises the question of whether it is possible to develop a method of resource protection for projects normally exempt from the CEQA process. Section VI, Part 7, of the adopted CEQA guidelines states :

"Class 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may, in a particularly sensitive environment, be significant. Therefore, these classes are considered to apply in all instances, except where the project may have an impact on an environmental resource of hazardous or

critical concern where designated, precisely mapped, and officially adopted, pursuant to law by federal, state, or local agencies."

Thus, a city may act to protect resources through an exception provision if the resource is of critical concern and precisely mapped or designated.

Map A deals with areas of probable resource. It would be difficult to establish "probable" resource as of critical concern, as well as to support the "probable" designation as being precise. However, known sites, specific places where significant resources are known to exist, are areas of critical concern. Because of the position of the archaeological community that site protection requires that known sites not be precisely mapped and because access to information on known sites is restricted via the Archaeological Site Survey Regional Office, a concerned municipality wishing to take effective action is placed in an awkward and frustrating position.

The following procedures are recommended with the understanding that they can only be implemented with the cooperation of the archaeological community and the Site Survey Regional Office.

Procedure: The City shall obtain from the California Archaeological Site Survey Regional Office No. 1, a list of recorded archaeological sites in the City of Santa Cruz by parcel number.

Procedure: The City Council shall adopt, by resolution, the list of parcels of known sites as areas of critical resources; thus providing exception to the CEQA categorical exemption provision for such parcels.





It should be acknowledged that, unlike the procedures set forth in Section I, which were tied to existing City administrative actions, the use of a CEQA exception provision would add a new administrative obligation to both the Current Planning and Building Inspections divisions of the City Planning Department. It would also place unique requirements on property owners and project proponents for those specific parcels. And, although perhaps less damaging than a map, the precise list of parcels does become public information; thus, increasing the likelihood of vandalism and destruction.



## NATIVE AMERICANS

When the Spaniards first arrived in the New World, it is estimated that 275,000 Indians lived in California. This Indian population had at least 21 separate languages and hundreds of tribelets, each with its own distinctive political organization. Evidence shows that there has been Indian activity in California for at least 10,000 years, but, since the Indians left no chronicles, the knowledge of over 100 centuries can only be gained through a detailed study of remnant cultural resources.

No one knows precisely how many Native American sites exist today; but it has been estimated that at least 50% have been lost since 1969. This is because the main centers of Indian culture were located in the prime areas for modern development—bay—and lake shores, river valleys, and coastal terraces. The first widespread destructive activity was associated with gold mining in the 1850s and 1860s; this was followed by logging, agriculture and, most recently, urban growth and activities that provide support for urban services.

The Native American community is understandably suspicious of resource preservation activities. They have had good reason to equate archaeological excavation with "grave-robbing", having seen artifacts sold to tourists or shipped to distant museums. Native Americans have strong feelings towards the complete protection of sacred sites, accepting salvage activities only as a last resort. In recent years, Native Americans have increased their position of legal standing. Ordinances and higher legislation have been passed to protect Native American burial and other sacred sites. An important bill, the Native American Heritage Act of 1976, Division 5 of the State of California Public Resources Code, is designed to

recognize and protect Indian cemeteries, places of worship, and ceremonial sites located on public property. The Act also created the Native American Heritage Commission, composed of leaders of California Native Tribes nominated by Indian groups within the State. Although the powers of the Commission are primarily directed to public lands, they are also empowered to "...make recommendations relative to Native American sacred places that are located on private lands, are inaccessible to Native Americans, and have cultural significance to Native Americans for acquisition by the State or other public agencies for the purpose of facilitating or assuring access thereto by Native Americans...", and "...make recommendations to the Legislature relative to procedures which will voluntarily encourage private property owners to preserve and protect sacred places...and to allow appropriate access to Native American religionists."

More recent legislation includes the Native American Heritage Act of 1976, the full impact of which has yet to be tested in the Courts. (Appendix G.)

It is important, in the implementation of a resource protection procedure, to develop a positive and cooperative relationship between all parties...the administrative agency, the project proponent, the archaeological professional, and concerned Native Americans. This is especially true when preliminary reports indicate the probability of a Native American burial or sacred site. At this point, the recommendations for site disposition or mitigation plan should involve the participation of Native Americans.

Procedure: When preliminary testing indicates a possible location of a Native American





sacred or burial site on a subject parcel, the archaeologist responsible for the preparation of the site disposition/mitigation plan shall seek the advice of Native American representatives. The mitigation plan shall contain, in detail, information regarding Native American participation in the development of, and recommendations for, the mitigation program.

The mitigation plan submitted for a probable burial or sacred site shall include the following provisions:

(a) That the project proponent include participation of Native American observers on site during earth-moving activities. Any agreement for such participation should include provision for conditions under which work is to proceed should observers not be present after due notice is given.

(b) That specific reference be made to the disposition of human remains in the case of a discovery.



## PROTECTION AFTER PROJECT APPROVAL

In addition to the establishment of procedures that guarantee the consideration of cultural resources early in the project development process, local jurisdictions have found it necessary to pass ordinances to preserve resources discovered during construction. Marin County, for example, has an ordinance providing that, in the event that an operator encounters an Indian site, work is to be halted until the significance is evaluated; work shall not proceed until salvaging is complete. San Jose has a similar ordinance. The protection afforded by this type of ordinance is reinforced by the condition of placing an archaeologist on site to observe those grading activities deemed appropriate. A discovery ordinance should be developed to complete the system of procedures described in this study.

POLICY: THE CITY SHALL PROVIDE FOR THE EVALUATION AND PROPER DISPOSITION OF ARCHAEOLOGICAL RESOURCES WHICH ARE DISCOVERED IN THE COURSE OF A PROJECT.

Procedure: An ordinance shall be developed to provide for deferment of work in progress in the event that archaeological resources are discovered in the course of a project. Provision shall be made for examination of the site by qualified professionals, a determination as to the extent and value of the site, and a determination as to the proper disposition of the site, prior to resumption of the project.





## PROJECTS ON PUBLIC LANDS

The procedures developed in this plan amendment are primarily directed towards projects proposed for private property and submitted to the City for discretionary action. The keystone of the process is the environmental assessment required under the California Environmental Quality Act.

It is self-evident that archaeological resources within the City of Santa Cruz are likely to be located on public lands as well. Since the City of Santa Cruz does not, for the most part, have jurisdiction over the lands of other public agencies, i.e., the County of Santa Cruz or the University of California, discussion in this case is limited to projects initiated by the City for City-held properties.

Under the City's adopted procedures for implementing CEQA, a definition of "project" is given as:

"An activity directly undertaken by any public agency including, but not limited to, Public Works construction and related activities, clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof."

The term "project" does not include:

"Continuing administrative or maintenance activities such as purchases for supplies, personnel-related actions, emergency repairs to public service facilities, general policy and procedure making, feasibility, or planning studies."

Therefore, City departments are responsible for completing an environmental assessment and making an environmental determination for most projects pro-

posed for City-held properties. Therefore, it would be feasible, in most cases, for the City to follow the procedures set forth in this amendment for private properties.

POLICY: THE CITY SHALL FOLLOW THE PROCEDURES ADOPTED AS A PART OF THE HISTORIC PRESERVATION PLAN FOR THE PRESERVATION OF ARCHAEOLOGICAL RESOURCES FOR ALL PROJECTS PROPOSED ON CITY-HELD PROPERTIES.

This would mean that the sensitivity map would be considered as a part of the initial environmental assessment for all projects requiring discretionary action. Furthermore, should the CEQA exceptions procedure be implemented, the City would be responsible for following the recommended procedures for projects in areas of known sites. And, with the adoption of a discovery ordinance, the provisions would also affect City, as well as privately initiated, projects.

The City, therefore, should take steps to set aside funds in each budget year to cover fees for professional services and excavation, salvage, or mitigation activities.

POLICY: THE CITY SHALL SET ASIDE A YEARLY ALLOCATION FOR EXPENDITURES RELATING TO THE PRESERVATION OF ARCHAEOLOGICAL RESOURCES.

It should be noted that a great many City projects involve the repair or improvement of existing facilities, and that these activities fall under several of the categorical exemption classes set forth under CEQA. In fact, should the exception procedure be implemented, which would provide additional protection



for Class Nos. 3,4,5,6, and 11 exemptions, it would not affect most City activities which fall under Class 1 and Class 2 exemptions.

The question then arises as to whether additional steps should be taken to protect resources in these cases. The following is recommended:

POLICY: ON OR IN THE VICINITY OF KNOWN SITES, THE CITY SHALL ARRANGE TO HAVE AN ARCHAEOLOGICAL OBSERVER ON SITE FOR ALL CLASS 1 OR 2 PROJECTS THAT INTRODUCE A NEW IMPACT VIA EARTH-MOVING ACTIVITIES. FURTHERMORE, FOR SUCH PROJECTS ON OR IN THE VICINITY OF KNOWN BURIAL OR SACRED SITES, THE CITY SHALL ARRANGE FOR THE PARTICIPATION OF A NATIVE AMERICAN OBSERVER DURING EARTH-MOVING ACTIVITIES.

Examples of projects that introduce a new impact include: the installation of water or sewer mains in a new trench (which may run parallel to an existing trench); the installation of conduit, gas lines, telephone or telescription facilities in newly created trenches; the replacement of storm drain or sewer laterals if, once again, placed in a new trench.

The excavation of an existing trench, where the earth had already been disturbed for the original installation, is not considered a new impact and, therefore, would not fall under the provision for site supervision.





## DISPOSITION OF RESOURCES

On Page 19 of this text, the importance of site mitigation through preservation in place is emphasized. Excavation is acceptable only as a last resort against destruction.

It should be noted here that, in the recommended procedures, no distinction is made between artifacts and human remains because the position of this document is that all resources, to the greatest extent feasible, remain in place.

It is acknowledged, however, that there will be instances where excavation is unavoidable, and that excavation always admits the possibility of a discovery. The discovery ordinance, recommended on Page 24, will provide a detailed course of action to be followed in such cases. But, for the sake of clarity, certain points regarding the disposition of resources are detailed below.

### 1. Disposition of Human Remains.

As pointed out on Pages 1, 6, and 23, there are state and federal laws in regard to resource protection that supersede local policies and ordinances. The California Health and Safety Code, Section 8100, dealing with Native American Cemetery Sites, provides that only friends or relatives (or an authority of the law) may disinter human remains for the purpose of reinterment. This applies to both public and private lands. Therefore, it would be expected that in a mitigation plan dealing with excavation and/or discovery, provision will be made for reinterment of human remains in conformance with the state law mentioned previously.

### 2. Disposition of Artifacts

POLICY: THE CITY SHALL PROVIDE A CENTRAL REPOSITORY FOR ARTIFACTUAL MATERIALS DISCOVERED WITHIN THE CITY LIMITS. ALL ARTIFACTUAL MATERIALS TAKEN ON PUBLIC LANDS SHALL BE PLACED THEREIN. OWNERS OF PRIVATE PROPERTIES SHALL BE ENCOURAGED TO DONATE SUCH MATERIALS TO THIS FACILITY.

Procedure: The City Museum shall be designated as the central repository for artifactual materials discovered within the City limits. The Museum shall provide in its annual budget for research and analysis of such artifacts. The Museum shall also provide a lending service for artifactual materials.



## APPENDIX A: ARCHAEOLOGICAL REPORT TYPES

### 1. LITERATURE/ARCHIVAL SEARCH AND RESEARCH

This type of report provides background information on a particular area without field reconnaissance. Archaeological professionals, planners, or the owner of the private property under consideration can contact the Archaeological Site Survey Regional Office, Central Coast Counties, at Cabrillo College, for a check on a particular parcel. There is a fee for project specific requests. The Regional Office can provide information on known sites on specific parcels; previous surveys, if any; the probability of finding sites on the parcel; and recommendations for further research, if needed.

If there are historic resources concerned with a parcel, an archival search could include tracing ownership, structural documents, as well as local historical sources.

### 2. PRELIMINARY FIELD RECONNAISSANCE

There are several different techniques that may be used in preliminary field reconnaissance:

- a. A "spot check" of probable areas for human habitation based on such criteria as slope, access to nearest water, etc.;
- b. A check of areas known to be probable ones for cultural resources based on settlement pattern data;
- c. A survey of a stratified random sample of an area.

Techniques are generally chosen by the archaeological professional based on site specific conditions.

### 3. INTENSIVE FIELD RECONNAISSANCE

This type of survey involves a comprehensive inspection of all surfaces. The survey may include the following techniques:

- a. An inspection of all visible surfaces than can reasonably be expected to contain resources;
- b. An inspection of such surfaces over a large area;
- c. An investigation of every visible surface of a project area;
- d. An exploration of the subsurface by means of test units, auger boring, or mechanized cutting.

Very often the archaeological professional utilizes a mixed strategy, employing different approaches in different parts of the study.

### 4. SUBSURFACE/SECONDARY TESTING AND EVALUATION OF SIGNIFICANCE

When an archaeological site is located during a survey or is known to exist on a parcel, it is usually necessary to determine the site boundaries, the nature, composition, and significance of the resource, as well as to provide recommendations for mitigation. Secondary testing can be avoided when it can be documented that there will be no impact on the resource. When impact cannot be avoided, secondary testing is usually necessary in forming a mitigation plan. Secondary testing includes the following types of investigations :

- a. Boundary Location. Techniques include :
  - Detailed surface examination and mapping.
  - Systematic surface collection and mapping.
  - Systematic auger sampling or other subsurface testing of site peripheries.
  - Chemical analysis and testing.





b. Subsurface Testing. Hand excavation of test units to provide information on the composition and integrity of the resource with minimum disturbance to the site. Secondary testing reports will include the following:

- Preparation and review of a research design prior to fieldwork.
- Gathering data related to the research design questions.
- Detailed analysis of gathered data.
- Provisions for curation of gathered data.
- Preparation of report outlining all procedures, including:
  - Description and discussion of the data.
  - Statement of the significance of the resource (see below)
  - Discussion of project alternatives.
  - Conclusions and specific recommendations.

c. Determination of Significance. Requires detailed knowledge of:

- Time period during which the site was occupied, and the contents of the site.
- Previous archaeological research in the immediate area and in the general vicinity of the resource.
- The nature of the archaeological record as it survives in the project area, the general vicinity, and the region.
- Research questions which are or may be applicable to the site.
- Current legislation, guidelines, and professional practices which pertain to the estimation of significance.

The significance of some sites is very obvious, but others will be more difficult to determine. Some may have been damaged to the extent that significance that was there is now lost. Traits which may be used to determine significance are:

- Research Potential - The degree to which the site is important to history or prehistory, as determined in context with other research questions.
- Integrity - The intact condition of the resource helps determine integrity as does the interrelationships of the components of the site. Even minor disturbance results in the great loss of information.
- Temporal Affiliation - Some time periods are more significant than others. A general rule is that a site increases in significance as it increases in age.
- Relative Scarcity - Some types of sites are extremely rare, and significance increases in proportion to relative scarcity.
- Community Significance - A site which is a member of an interrelated group of sites will have greater significance, just as the pages of a book are considered more significant together than individually.
- Legal Significance - A site which is eligible for the National Register of Historic Places is afforded specific legal protections. Other federal, state, and local laws, regulations, and ordinances apply specifically, or in general, to archaeological resources.
- Ethnic Significances - This applies to an archaeological site which has religious, mythological, social, historical, or other special importance to a discrete population.



## APPENDIX B: MINIMUM GUIDELINES: ARCHAEOLOGICAL SURVEY REPORTS

### Report Format:

A written report describing the findings of the report/survey should contain the following:

- (1) Identification of the consultant and certification that he is qualified, with a list of subordinate supervising field and lab personnel, their qualifications, and their responsibilities.
- (2) Location and description of the property surveyed and its condition insofar as this affects the resource. Cite type of inspection and dates of work.
- (3) Statement of Proposed Project.
- (4) Statement of archival research and findings (a check for previously recorded sites, previous surveys and other relevant information; all sources consulted should be listed).
- (5) Survey procedure and personnel.
- (6) Location map indicating area surveyed and sites recorded or discovered.
- (7) Description of Findings (detail should be sufficient to allow verification of the quality of the work):
  - a. Evidence of previous disturbance that may have affected the resources (such as extensive grading or agriculture).
  - b. Statement of existing resources (or statement if none visible), including a list of kinds of artifacts, food remains and other indications of past human activity, with an interpretation and statement of significance of the resources.
- (8) Conclusion and recommendation as to the disposition of any newly-discovered or existing sites as they relate to the project proposal.

A report describing the findings of secondary testing shall contain the general topics listed above plus:

- (9) Treatments of excavation technique.
- (10) Detailed presentation of data.
- (11) Cultural context.
- (12) Recommended mitigations directed specifically to the proposed development.





## APPENDIX C: QUALIFICATIONS FOR ARCHAEOLOGICAL CONSULTANTS

In order to secure high professional standards, minimal qualifications for archaeological consultants are suggested. The currently accepted standards are those existing for the Society of Professional Archaeologists, the Society for California Archaeology, and the Department of the Interior.

### Minimal Qualifications:

1. A postgraduate degree in archaeology, anthropology or a closely related field with a specialization in archaeology, except where an equivalency to such a degree can be documented.
2. Demonstrated ability to carry research to completion, usually evidenced by timely completion of theses, research reports, or similar documents.
3. At least 16 months of professional experience and/or specialized training in archaeological fields, laboratory or library research, administration or management, including at least four months' experience and/or specialized training in the kind of activity the individual proposes to practice.
4. Demonstrated connection with an institution or organization with facilities for storage and care of archaeological data and materials.



## APPENDIX D: TYPICAL CONDITIONS

- (1) At this time no cultural resources are known to exist within the project area. This, however, does not preclude the possibility of their presence. If any archeological features are discovered during any subsequent phase of the project work, particularly during subsurface activities, the project developer shall temporarily halt or redirect work and shall notify the Planning Director.
- (2) Prior to the approval of issuance of a grading permit, the project developer shall provide written evidence to the Planning Director that a professional archeologist has been notified and invited or retained to be on-site during grading or other significant ground disturbing activities. The archeologist shall be present at the pre-grading conference, shall establish, in cooperation with the project developer, procedures for temporarily halting and redirecting work to permit the sampling, identification and evaluation of the artifacts. If cultural features are discovered, the archeologist shall report the findings to the project developer and to the Planning Director. If the cultural features are found to be significant, the resource observer shall determine appropriate actions, in cooperation with the project developer, which insure that the resources will not be destroyed before exploration/salvage. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Planning Director.
- (3) The project developer shall retain a certified archeologist to perform and report on the following.
  - a) A literature and records search and surface survey for the project area to identify cultural resources; surface collection, if appropriate; recommendations and cost estimates as to further actions.
  - b) Subsurface testing and analysis to evaluate cultural resources and determined depth and extent; surface collection, if appropriate; recommendations, including specific mitigation proposals, and cost estimates as to further actions.
  - c) Excavation and salvage in a scientific manner; analysis; and appropriate disposition of recovered materials.
  - d) Determination of means to achieve resource preservation by maintaining in an undisturbed condition; and consultation during implementation of this strategy.
- (4) (Coastal Comm) During excavation phase, a Commission authorized professional archeologist shall be present. Should significant archeological materials be discovered, work activity which could destroy the discovered evidence shall be temporarily suspended until mitigation measures are completed. Professional fees and mitigation costs, if any, shall be negotiated in advance by application and archeologist, and shall be subject to prior approval of Commission staff.





## APPENDIX E: EXCEPTIONS TO CATEGORICAL EXEMPTIONS

The adopted \* CEQA guidelines allow for the following categorical exemptions:

(1) Location. Class 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located - - a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may have an impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

(2) Cumulative Impact. The categorical exemptions for all classes are inapplicable when the cumulative impact of successive projects of the same type in the same place is significant - - for example, annual additions to an existing building under Class 1.

(3) Feasibility and Planning Studies. A project involving only feasibility or planning studies for possible future action, where the City has not approved, adopted or funded such future action, is exempt; provided, that environmental factors shall be taken into account in considering such a project, as required by Public Resources Code Section 21102.

(4) Emergency Projects. The following emergency projects are exempt:

(a) Projects undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 (commencing with Section 8550) of Division I, Title 2 of the Government Code.

(b) Emergency repairs to public service facilities necessary to maintain service.

(c) Specific actions necessary to prevent or mitigate an emergency.

(5) Timberland Preserves. The adoption of a timberland preserve zone under Government Code Sections 51100 et seq. is exempt.

(6) Filing Notice of Exemption. At any time after the City has approved or determined to carry out a project which has been determined to be exempt as provided above, a notice of exemption may be filed with the County Clerk of the county or counties in which the project will be located. Such notice may be filed by the City or by the applicant.

Following is a complete list of the classes of categorical exemptions established by the State. It should be noted that the location exception is only applicable to Classes 3, 4, 5, 6 and 11.

\* Resolution No. NS-13,388 - April 24, 1979.



EXHIBIT "A"CATEGORICAL EXEMPTIONS1. CLASSES ESTABLISHED BY STATE.

The following classes of projects have been declared categorically exempt by the Secretary for Resources:

Class 1: Existing Facilities. Class 1 consists of the operation, repair, maintenance or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing, including but not limited to:

(a) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveniences;

(b) Existing facilities of investor or publicly owned utilities used to convey or distribute electric power, natural gas, sewage, etc.;

(c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities except where the activity will involve removal of a scenic resource including, but not limited to, a stand of trees, a rock outcropping, or a historic building;

(d) Restoration or rehabilitation of deteriorated or damaged structures, facilities or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide or flood;

(e) Additions to existing structures, provided that the addition will not result in an increase of more than fifty (50%) percent of the floor area of the structure before the addition or alteration, or 2500 square feet, whichever is less;

(f) Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities or mechanical equipment, or topographical features (including navigational devices) where these devices do not have or result in an adverse environmental impact;

(g) New copy on existing on and off-premise signs;

(h) Maintenance of existing landscaping, native growth, and water supply reservoirs (except the use of economic poisons, as defined in Division 7, Chapter 2, California Agricultural Code);

(i) Maintenance of fish screens, fish ladders, wildlife habitat areas, artificial wildlife waterway devices, streamflows, springs and waterholes, and stream channels (clearing of debris) to protect fish and wildlife resources;

(j) Fish stocking by the California Department of Fish and Game;

(k) Division of existing multiple family rental units into condominiums;

(l) Demolition and removal of individual small structures listed in this subsection, except where the structures are of historical, archaeological or architectural significance;

(1) Single-family residences not in conjunction with the demolition of two (2) or more units;

(2) Motels, apartments, and duplexes designed for not more than four (4) dwelling units, if not in conjunction with demolition of two (2) or more such structures;

(3) Stores, offices and restaurants, if designated for an occupant load of twenty (20) persons or less, if not in conjunction with the demolition of two (2) or more such structures;

(4) Accessory (appurtenant) structures, including garages, carports, patios, swimming pools, and fences.

(Structures located in the City of Santa Cruz will be deemed to be of historical, archaeological or architectural significance, if they are listed in the City of Santa Cruz's Historic Building Survey).

(m) Minor repairs and alterations to existing dams and appurtenant structures under the supervision of the Department of Water Resources.

Class 2: Replacement or Reconstruction. Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including, but not limited to:

(a) Replacement or reconstruction of existing schools and hospitals to provide earthquake resistant structures which do not increase capacity more than fifty (50%) percent.

(b) Replacement of a commercial structure with a new structure of substantially the same size and purpose.

Class 3: New Construction of Small Structures. Class 3 consists of construction and location of single, new facilities or structures and installation of new equipment and facilities including, but not limited to:

(a) Single-family residences not in conjunction with the building of two (2) or more such units;

(b) Motels, apartments, and duplexes designed for not more than four (4) dwelling units if not in conjunction with the building of two (2) or more such structures;

(c) Stores, offices, and restaurants if designated for an occupant load of twenty (20) persons or less, if not in conjunction with the building of two (2) or more such structures;

(d) Water main, sewage, electrical, gas and other utility extensions of reasonable length to serve such construction;

(e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools and fences;

(f) Installation of concrete curbs, gutters and sidewalks as well as street paving within existing street right-of-ways.

Class 4: Minor Alterations to Land. Class 4 consists of minor public or private alterations in the condition of water and/or vegetation, including, but not limited to:

(a) Grading on land with a slope of less than ten (10%) percent, except where it is to be located in a waterway, in any wetland, in an officially designated (by federal, State or local government action) scenic area, or in officially mapped areas of severe geologic hazard;





(b) New gardening or landscaping, but not including trees;

(c) Filling of earth into previously excavated land with material compatible with the natural features of the site;

(d) Minor alterations in land, water and vegetation on existing officially designated wildlife management areas or fish production facilities which result in improvement of habitat for fish and wildlife resources or greater fish production;

(e) Minor temporary uses of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc.;

(f) Minor trenching and backfilling where the surface is restored;

(g) Maintenance dredging where the soil is deposited in a spoil area authorized by applicable state and federal regulatory agencies.

Class 5: Alterations in Land Use Limitations. Class 5 consists of minor alterations in land use limitations, except zoning, including, but not limited to:

(a) Minor lot line adjustments, side yard and set back variances not resulting in the creation of any new parcel or in any change in land use or density;

(b) Issuance of minor encroachment permits.

Class 6: Information Collection. Class 6 consists of basic data collection, research, experimental management and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be for strictly information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted or funded.

Class 7: Regulatory Actions for Protection of Natural Resources. Class 7 consists of actions taken by regulatory agencies, as authorized by State law or local ordinance, to assure the maintenance, restoration, or enhancement of a natural resource, including, but not limited to, wildlife preservation.

Class 8: Regulatory Actions for the Protection of the Environment. Class 8 consists of actions taken by regulatory agencies, as authorized by State law or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment.

Class 9: Inspections. Class 9 consists of activities limited entirely to inspection, to check for performance of an operation, or quality, health or safety of a project, including related activities such as inspection for possible mislabeling, misrepresentation or adulteration of products.

Class 10: Loans. Class 10 consists of loans made by the Department of Veterans Affairs under the Veterans Farm and Home Purchase Act of 1943.

Class 11: Accessory Structures. Class 11 consists of construction or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including, but not limited to:

(a) On-premise signs;

(b) Small parking lots.

Class 12: Surplus Government Property Sales. Class 12 consists of sales of surplus government property except for parcels of land located in an area of Statewide interest or potential area of critical concern as identified in the Governor's Environmental Goals and Policy Report prepared pursuant to Government Code Section 65041 et seq. However, if the surplus property to be sold is located in those areas identified in the Governor's Environmental Goals and Policy Report, its sale is exempt if:

(a) The property does not have significant values for wildlife habitat or other environmental purposes, and

(b) Any of the following conditions exist:

(1) The property is of such size or shape that it is incapable of independent development or use, or

(2) The property to be sold would qualify for an exemption under any other class of categorical exemption in Article VIII of the State Guidelines, or

(3) The use of the property and adjacent property has not changed since the time of purchase by the public agency.

Class 13: Acquisition of Lands for Wildlife Conservation Purposes. Class 13 consists of the acquisition of lands for fish and wildlife conservation purposes, including preservation of fish and wildlife habitat, establishing ecological reserves under Fish and Game Code Section 1580, and preserving access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition.

Class 14: Minor Additions to Schools. Class 14 consists of minor additions to existing schools within existing school grounds where the addition does not increase original student capacity by more than twenty-five (25%) percent or five (5) classrooms, whichever is less. The addition of portable classrooms is included in this exemption.

Class 15: Functional Equivalent of an EIR. Class 15 consists of regulatory programs of public agencies whose purpose includes environmental protection and whose process involves the functional equivalent of an EIR. To qualify for an exemption under this Section, the public agency must have its process certified as a functional equivalent by the Secretary for Resources. The Secretary for Resources may withdraw the certification after notice and hearing pursuant to Government Code, Title Two, Division Three, Chapter 4.5.

Class 16: Transfer of Ownership of Land in order to Create Parks. Class 16 consists of the acquisition or sale of land in order to establish a park where the land is in a natural condition or contains historic sites or archaeological sites and either:

(a) The management plan for the park has not been prepared, or

(b) The management plan proposes to keep the area in a natural condition or preserve the historic or archaeological site. CEQA will apply when a management plan is proposed that will change the area from its natural condition or significantly change the historic or archaeological site.

Class 17: Open Space Contracts or Easements. Class 17 consists of the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area. The cancellation of such preserves, contracts, interests or easements is not included.



Class 18: Designation of Wilderness Areas. Class 18 consists of the designation of wilderness areas under the California Wilderness System.

Class 19: Annexations of Existing Facilities and Lots for Exempt Facilities. Class 19 consists of only the following annexations:

(a) Annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency, whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities.

(b) Annexations of individual small parcels of the minimum size for facilities exempted by Section 15103, New Construction of Small Structures (see Class 3).

Class 20: Changes in Organization of Local Agencies. Class 20 consists of changes in the organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised. Examples include, but are not limited to:

(a) Establishment of a subsidiary district;

(b) Consolidation of two (2) or more districts having identical powers;

(c) Merger with a city of a district lying entirely within the boundaries of the city.

Class 21: Enforcement Actions by Regulatory Agencies.

(a) Class 21 consists of actions by the City acting as a regulatory agency to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted or prescribed by the City or to enforce a law, general rule, standard, or objective, administered or adopted by the City as a regulatory agency. Such actions include, but are not limited to, the following:

(i) The direct referral of a violation of lease, permit, license, certificate, or other entitlement for use or of a general rule, standard, or objective to the Attorney General, District Attorney, or City Attorney, as appropriate, for judicial enforcement;

(ii) The adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective.

(b) Construction activities undertaken by the public agency taking the enforcement or revocation action are not included in this exemption.

Class 22: Educational or Training Program Involving No Physical Changes. Class 22 consists of the adoption, alteration, or termination of educational or training programs which involve no physical alteration in the area affected or which involve physical changes only in the interior of existing school or training structures. Examples include, but are not limited to:

(a) Development of or changes in curriculum or training methods;

(b) Changes in the grade structure in a school which do not result in changes in student transportation.

Class 23: Normal Operations of Facilities for Public Gatherings. Class 23 consists of the normal operations of existing facilities for public gatherings for which the facilities were designated, where there is a past history of the facility being used for the same kind of purpose. Facilities included within this exemption include, but are not limited to, race tracks, stadiums, convention centers, auditoriums, amphitheaters, planetariums, swimming pools and amusement parks.

Class 24: Regulation of Working Conditions. Class 24 consists of actions taken by the City as a regulatory agency, to regulate any of the following:

(a) Employee wages;

(b) Hours of work; or

(c) Working conditions where there will be no demonstrable physical changes outside the place of work.





II. CITY ACTIVITIES THAT ARE CATEGORICALLY EXEMPT.

The following activities likely to be carried out by the City come within the designated classes of categorical exemptions:

A. Water Department Activities.

Class 1. The operation, repair, maintenance, or alteration of existing facilities including, but not limited to, the following:

1. Dams and reservoirs;
2. Water conveyance facilities;
3. Wells;
4. Water treatment plants;
5. Pumping stations;
6. Fire hydrants;
7. Buildings.

Class 2. The installation of facilities, including, but not limited to the following:

1. Water utility extensions to serve individual, small structures;
2. Fire hydrants.

B. Public Works Department Activities.

Class 1. Repairs and Alterations.

1. Repair, operation, maintenance or minor alterations of the following:

(a) Existing facilities used to convey or dispose of sewage, storm waters, liquid or solid waste, including landfill sites and service lines to private properties;

(b) Existing highways and streets, sidewalks, curbs, gutters, paving, bicycle paths, pedestrian trails, and other facilities such as signs, street lights, and traffic signals.

2. Restoration or rehabilitation of deteriorated or damaged structures, facilities and mechanical equipment. Repaving of existing streets, alleys, bicycle paths and pedestrian paths.

Class 2. New Structures.

1. Installation of street signs within public rights-of-way, including signs controlling traffic, parking, ingress and egress from private and public areas.

2. Installation of street lighting equipment and electrical traffic control signals and devices.

3. All street painting including crosswalks, directional arrows, installation of parking meters.

4. Installation of electrical and communications facilities such as fire alarm circuits, services to sewage pumping stations.

5. Installation of small public transit facilities such as bus shelters, bus benches and similar facilities.



ENVIRONMENTAL REVIEW PROCESS

General Information (By Applicant) Case No. GPA-80-247

Location of Project - Address City of Santa Cruz

Description of Project Amendment to the Historic Preservation Plan, an Element of the General Plan and a component of the Local Coastal Plan, pertaining to archaeology.

Applicant City of Santa Cruz

Applicant's Mailing Address City Planning Department 809 Center Street

PHASE I

Exemptions: (By Staff) Not exempt: See attached environmental assessment

- ☐ The project will not have a significant effect on the environment.  
Ministerial Exclusion.
- ☐ Emergency Exclusion.
- ☐ Categorical Exemption — Class \_\_\_\_.

If exempt, no further environmental review is necessary. However, the applicant should read the following:

The California Environmental Quality Act (CEQA) provides a form entitled "Notice of Exemption". The notice may or may not be filed with the County Clerk when a project is exempt or excluded from CEQA. If a notice is filed, anyone wishing to contest the determination must file their action within 35 days after the filing of the notice.

If a notice of exemption is not filed, anyone wishing to contest the determination may file their action any time within 180 days of the public agency's decision to carry out or approve the project; or, if the project is undertaken without a formal decision by the public agency, within 180 days after commencement of the project.

If the applicant wishes to file a notice of exemption, forms may be obtained from the Department of Planning and Community Development of the City of Santa Cruz.

PETER KATZLBERGER  
Administrator of Environmental Quality

Date

By Whom

PHASE II - Environmental Assessment Questionnaire (If Not Exempt in Phase I)

(By Applicant:)

	Yes or No	Staff Verifi- cation
1. <u>Land Use</u>		
a. Is this project a first step toward a larger project (subdivision, planned development, or a large residential, commercial, or industrial development)?	<u>no</u>	<u>✓</u>
b. Could the project result in a substantial alteration of the present or planned use of the area?	<u>no</u>	<u>✓</u>
c. Does the project provide for population growth beyond what is provided for in the existing Santa Cruz zoning regulations?	<u>no</u>	<u>✓</u>
2. <u>Housing</u>		
a. Could the project affect existing housing, or create a demand for more housing?	<u>no</u>	<u>✓</u>
3. <u>Utilities</u>		
a. Could the project commit governmental agencies to subsequent land use action, such as additions or extensions to public utility facilities?	<u>no</u>	<u>✓</u>
4. <u>Neighborhood</u>		
a. Could the size of this project significantly change the character of the neighborhood?	<u>no</u>	<u>✓</u>
b. Could the project entail a construction period that would disrupt normal activities of the neighborhood for a period exceeding six (6) months?	<u>no</u>	<u>✓</u>
5. <u>Aesthetics</u>		
a. Could the project result in the obstruction of any scenic vista or view open to the public, or could the project result in the creation of an aesthetically offensive site open to the public view?	<u>no</u>	<u>✓</u>
6. <u>Traffic/Circulation</u>		
a. Could the project result in vehicular traffic that may not be safely accommodated by existing access roads?	<u>no</u>	<u>✓</u>
b. Could the project affect existing, or create a demand for new, parking facilities?	<u>no</u>	<u>✓</u>
7. <u>Natural Resources</u>		
a. Could the proposal result in an increase in the rate of use of any natural resources or the substantial depletion of any nonrenewable natural resource?	<u>no</u>	<u>✓</u>
8. <u>Earth</u>		
a. Could the project result in unstable earth conditions or in changes in geologic substructures?	<u>no</u>	<u>✓</u>
b. Could the project result in disruptions, displacements, compaction, or the overcovering of the soil?	<u>no</u>	<u>✓</u>
c. Could the project result in change in topography or ground surface relief features?	<u>no</u>	<u>✓</u>
d. Could the project result in wind or water erosion of soils, on or off the site?	<u>no</u>	<u>✓</u>
e. Could the project result in the destruction, covering, or modification of any unique geologic or physical features?	<u>no</u>	<u>✓</u>
f. Could the project possibly affect, or be affected by, the slopes upon which it would exist; or could the project be jeopardized, or in some way jeopardize, the stability of a cliff near to where the project is to be located?	<u>no</u>	<u>✓</u>
g. Could the project involve grading in excess of 50 cubic yards? If so, could such grading result in a hazard to adjacent properties, unstable slopes, or uncompacted fill?	<u>no</u>	<u>✓</u>
9. <u>Animal Life/Vegetation</u>		
a. Could the project cause a change in the diversity of species, or numbers of any species of animals?	<u>no</u>	<u>✓</u>
b. Could the project result in a significant reduction in the vegetation that is currently relied upon by the wildlife using the site?	<u>no</u>	<u>✓</u>





PHASE II - Questionnaire - Cont'd.

(By Applicant:)

- |   | Yes<br>or<br>No | Staff<br>Verifi-<br>cation |
|---|-----------------|----------------------------|
| 10. <u>Hydrology</u>  |                 |                            |
| a. Could the project significantly alter a stream, creek, or drainage course? The considerations should include channel size, channel location, water quantity, water quality, and vegetation bordering the stream. | no              | ✓                          |
| b. Could the project be affected by, or in some way affect, the unprotected floodways within the City?  | no              | ✓                          |
| 11. <u>Fire Hazard</u>  |                 |                            |
| a. Could the project be affected by, or in some way affect, fire hazard areas within the City?  | no              | ✓                          |
| 12. <u>Pollutants</u>   |                 |                            |
| a. Could the project produce noticeable or harmful air or odor pollutants?  | no              | ✓                          |
| b. Could the project be affected by, or in some way produce, sustained high noise levels?   | no              | ✓                          |
| 13. <u>Archaeological/Historical</u>  |                 |                            |
| a. Could the project result in an alteration of a significant archaeological or historical site, structure, object, or building?  | yes             | ✓                          |
| 14. <u>Health</u>   |                 |                            |
| a. Could the project result in the creation of any health hazard, potential health hazard (excluding mental health), or the exposure of people to potential health hazards?   | no              | ✓                          |
| b. Could the project result in relocation or displacement of people? If so, how many?   | no              | ✓                          |
| 15. <u>Recreation</u>   |                 |                            |
| a. Could the project result in an impact upon the quality or quantity of existing or planned recreational opportunities?  | no              | ✓                          |
| 16. <u>Energy</u>   |                 |                            |
| a. Could the project result in the use of substantial amounts of fuel or energy, a substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?             | no              | ✓                          |

City of Santa Cruz

Applicant's Signature: Historic Preservation Commission

Date: 7/28/80

(By Planning Staff:)

- |  |     |
|--|-----|
| 17. <u>Review</u>  |     |
| a. Is the project proposed to be within an environmental constraint area, as designated in the City's Open Space and Conservation Element of the General Plan? | no  |
| b. Does staff agree with applicant's answers?  | yes |

Staff Member Signature:

Carole G. Nelson

Date: 7/28/80

PHASE II (contd.)

18. Mandatory Findings of Significance

The project has:

- |   |     |       |    |
|---|-----|-------|----|
| a. Impacts which have the potential to degrade the quality of the environment or curtail the range of the environment.    | Yes | Maybe | No |
| b. Impacts which achieve short-term, to the disadvantage of long-term, environmental goals.                               |     |       | ✓  |
| c. Impacts for a project which are individually limited but cumulatively considerable.                                    |     |       | ✓  |
| d. The environmental effects of a project will cause substantial adverse effects on human beings, directly or indirectly. |     |       | ✓  |

Based on the description of the proposed project and other information relevant to the project, it is determined that the project may, will, or will not have a significant effect on the environment, because the project may contain, contains, or does not contain the foregoing impacts or effects.

19. Conclusion

- ☐ The proposed project may have a significant environmental effect, and the applicant is directed to provide the Director with supplemental information to make a final determination.
- ☒ The proposed project will not have a significant environmental effect, and a Negative Declaration will be issued. The project is cleared for normal processing. (If this item is checked, see Phase III.)
- ☐ The proposed project may have a significant environmental effect, and the applicant is directed to prepare an environmental impact report incorporating relevant supporting data. (If checked, see Phase IV.)

PETER KATZLBERGER  
Administrator of Environmental Quality

7/28/80  
Date

C. Nelson  
By Whom

20. Referrals

- ☒ The proposed project is within the Coastal Permit Zone, and the City environmental review determination must be referred to the Coastal Commission Staff.

Date sent: 7/30/80

- ☒ The proposed project is a City-initiated project and the environmental review determination must be referred to other City Departments.

Date sent: 7/30/80



PHASE III - Negative Declaration

(By Staff)

Case No. GPA-80-247 Location of Project City of Santa Cruz

Description of Project Amendment to the Historic Preservation Plan, an Element of the General Plan and a component of the Local Coastal Plan, pertaining to archeology.

Applicant City of Santa Cruz

Applicant's Mailing Address 809 Center Street

After careful analysis of pertinent information relating to this case, it was found that the project of reference will not have a significant effect on the City or regional environment and will not require the preparation of an environmental impact report (EIR), for the following reasons:

- ☐ All the answers to the questions relating to environmental considerations, pages 2 and 2a, have been determined by Staff to be "No".
- ☐ The project is not in conflict with the policies contained in, nor is it within an environmental constraint area designated in, the Open Space and Conservation Element of the General Plan.
- ☒ Whereas some of the answers to the questions relating to environmental considerations, pages 2 and 2a, are "Yes" or "Maybe", they are not deemed by Staff to have potential for significant environmental impact, for the following reasons:

The Amendment was prepared to provide policy to safeguard and mitigate adverse impacts to nonrenewable archeological resources.

☐ Supplemental information was submitted as required, and the following findings were made by Staff:

☐ Additional reasons:

PETER KATZBERGER  
Administrator of Environmental Quality

7/20/80  
Date

C. Nelson  
By Whom

(Staff Check List)

Posted at City Hall:

- ☐ Notice of Determination with copy of Negative Declaration sent to County:
- ☐ Notice of Intent to issue a Negative Declaration sent to Responsible Agency. (See Form P.168a)

_____	_____
Date	By Whom
_____	_____
Date	By Whom
_____	_____
Date	By Whom







Stephen M. Ray, Esq.  
Executive Secretary

State of California  
Government Office  
Native American Heritage  
Commission

1400 Ninth Street, Sacramento 95814 (916) 584-7701

Health & Safety Code (West 1970)

§ 7052. Unlawful mutilation or disinterment of human remains; felony

Every person who mutilates, disinters, or removes from the place of interment any human remains without authority of law, is guilty of felony. This section does not apply to any person who removes the remains of a relative or friend for reinterment. (Stats. 1939, c. 60, p. 672, §7052.)

§ 7500. Requirement of order for removal; record; contents

No remains of any deceased person shall be removed from any cemetery, except upon written order of the health department having jurisdiction, or of the superior court of the county in which such cemetery is situated. A duplicate copy of the order shall be maintained as a part of the records of the cemetery. Any person who removes any remains from any cemetery shall keep and maintain a true and correct record showing:

- (a) The date such remains were removed.
- (b) The name and age of the person removed, when these particulars can be conveniently obtained and the place to which the remains were removed.
- (c) The cemetery and the plot therein in which such remains were buried.

If the remains are disposed of other than by interment, a record shall be made and kept of such disposition. The person making the removal shall deliver to the cemetery authority operating the cemetery from which the remains were removed, a true, full and complete copy of such record. (Stats. 1939, c. 60, p. 684, §7500.)

§ 3100. Six or more bodies buried at one place

Six or more human bodies being buried at one place constitute the place a cemetery. (Stats. 1939, c. 60, p. 596, §8100.)

§ 8101. Misdemeanor; penalty

Every person is guilty of a misdemeanor and punishable by a fine of not less than twenty-five nor more than five hundred dollars, or by imprisonment for not exceeding six months, or by both, who unlawfully or without right willfully does any of the following:

- (a) Destroys, cuts, mutilates, effaces, or otherwise injures, tears down, or removes: any tomb, monument, memorial, or marker in a cemetery, or any gate, door, fence, wall, post or railing, or any enclosure for the protection of a cemetery or any property in a cemetery.
- (b) Obliterates any grave, vault, niche, or crypt.
- (c) Destroys, cut (sic), breaks or injures any building, statuary, ornamentation, tree, shrub, or plant within the limits of a cemetery.
- (d) Disturbs, obstructs, detains or interferes with any person carrying or accompanying human remains to a cemetery or funeral establishment, or engaged in a funeral service, or an interment.

(Stats. 1939, c. 60, p. 696, §8101. Amended by Stats. 1939, c. 339, p. 1677.)

§ 8102. Civil liability

Any person violating any provision of this chapter is liable, in a civil action by and in the name of the cemetery authority, to pay all damages occasioned by his unlawful acts. The sum recovered shall be applied in payment for the repair and restoration of the property injured or destroyed. (Stats. 1939, c. 60, p. 696, §8102.)

Penal Code (West 1970)

§ 6224. Objects of archeological or historical interest

Every person, not the owner thereof, who willfully injures, disfigures, defaces, or destroys any object or thing of archeological or historical interest or value, whether situated on private lands or within any public park or place, is guilty of a misdemeanor. (Added by Stats. 1939, c. 90, p. 1065, § 1.)

§ 523. Caves

- (a) Except as otherwise provided in Section 599c, any person who, without the prior written permission of the owner of a cave, intentionally and knowingly does any of the following acts is guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding one year, or by a fine not exceeding five hundred dollars (\$500), or by both such fine and imprisonment:

- (1) Breaks, breaks off, cracks, carves upon, paints, writes or otherwise marks upon or in any manner destroys, mutilates, injures, defaces, mars, or harms any natural material found in any cave.

- (2) Disturbs or alters any archeological evidence of prior occupation in any cave.

- (3) Kills, harms, or removes any animal or plant life found in any cave.
- (4) Burns any material which produces any smoke or gas which is harmful to any plant or animal found in any cave.
- (5) Removes any material found in any cave.

- (6) Breaks, forces, tampers with, removes or otherwise disturbs any lock, gate, door, or any other structure or obstruction designed to prevent entrance to any cave, whether or not entrance is gained.

(b) For purposes of this section:

- (1) "Cave" means any natural geologically formed void or cavity beneath the surface of the earth, not including any mine, tunnel, aqueduct, or other man-made excavation, which is large enough to permit a person to enter.
- (2) "Owner" means the person or private or public agency which has the right of possession to the cave.
- (3) "Natural material" means any stalactite, stalagmite, helictite, anthodite, gypsum fiber or needle, flowstone, drapery, column, tufa dam, clay or mud formation or concretion, crystalline mineral formation, and any wall, ceiling, or mineral protuberance therefrom, whether attached or broken, found in any cave.
- (4) "Material" means all or any part of any archeological, paleontological, biological, or historical item including, but not limited to, any petroglyph, pictograph, basketry, human remains, tool, beads, pottery, projectile point, remains of historical mining activity or any other occupation found in any cave.

- (c) The entering or remaining in a cave by itself shall not constitute a violation of this section. (Added by Stats. 1976, c. 1303, p. \_\_\_\_, § 2. Amendment approved and filed April 6, 1977.)

§ 642. Theft of articles from dead bodies

Every person who willfully and maliciously removes and keeps possession of and appropriates for his own use articles of value from a dead human body, the theft of which articles would be petty theft is guilty of a misdemeanor, or if the theft of the articles would be grand theft, a felony. This section shall not apply to articles removed at the request or direction of one of the persons enumerated in section 7111 of the Health and Safety Code. (Added by Stats. 1939, c. 691, p. 2209, § 1.)

Government Code (West Supp. 1977)

§ 12600. Findings and declarations

The Legislature finds and declares as follows:

- (a) It is the policy of this state to conserve, protect and enhance its environment. It is the policy of this state to prevent destruction, pollution, or irreparable impairment of the environment and the natural resources of this state.
- (b) It is in the public interest to provide the people of the State of California through the Attorney General with adequate remedy to protect the natural resources of the State of California from pollution, impairment, or destruction.
- (c) Conservation of natural resources and protection of the environment are pursuits often beyond the scope of inquiry, legislation, or enforcement by local government; several local public entities existing in the same ecological community have acted in differing and, sometimes, conflicting manners; uniform, coordinated, and thorough response to the questions of protection of environment and preservation of natural resources must be assured; and these matters are of statewide concern. (Added by Stats. 1971, c. 1518, p. 2994, §3.)

§ 12607. Action for equitable relief; attorney general

The Attorney General may maintain an action for equitable relief in the name of the people of the State of California against any person for the protection of the natural resources of the state from pollution, impairment, or destruction. (Added by Stats. 1971, c. 1513, p. 2995, § 3.)

Public Resources Code (West 1972)

§ 5097.5 Excavation, removal, etc. of features without permission prohibited; misdemeanor; public lands defined

No person shall knowingly and willfully excavate upon, or remove, destroy, injure or deface any historic or prehistoric ruins, burial grounds, archeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.

As used in this section, "public lands" means lands owned by, or under the jurisdiction of, the state, or any city, county, district, authority, or public corporation, or any agency thereof. (Added by Stats. 1969, c. 1109, p. 2790, § 1.)



Public Law 96-95  
96th Congress

An Act

To protect archaeological resources on public lands and Indian lands, and for other purposes.

Oct. 31, 1979  
(H.R. 1825)

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Archaeological  
Resource  
Protection Act of  
1979.

SHORT TITLE

SECTION 1. This Act may be cited as the "Archaeological Resources Protection Act of 1979".

16 USC 470aa  
note.

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

16 USC 470aaa

(1) archaeological resources on public lands and Indian lands are an accessible and irreplaceable part of the Nation's heritage;

(2) these resources are increasingly endangered because of their commercial attractiveness;

(3) existing Federal laws do not provide adequate protection to prevent the loss and destruction of these archaeological resources and sites resulting from uncontrolled excavations and pillage; and

(4) there is a wealth of archaeological information which has been legally obtained by private individuals for noncommercial purposes and which could voluntarily be made available to professional archaeologists and institutions.

(b) The purpose of this Act is to secure, for the present and future benefit of the American people, the protection of archaeological resources and sites which are on public lands and Indian lands, and to foster increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals having collections of archaeological resources and data which were obtained before the date of the enactment of this Act.

DEFINITIONS

SEC. 3. As used in this Act—

16 USC 470bbb.

(1) The term "archaeological resource" means any material remains of past human life or activities which are of archaeological interest, as determined under uniform regulations promulgated pursuant to this Act. Such regulations containing such determination shall include, but not be limited to: pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any portion or piece of any of the foregoing items. Nonfossilized and fossilized paleontological specimens, or any portion or piece thereof, shall not be considered archaeological resources, under the regulations under this paragraph, unless found in an archaeological



context. No item shall be treated as an archaeological resource under regulations under this paragraph unless such item is at least 100 years of age.

(2) The term "Federal land manager" means, with respect to any public lands, the Secretary of the department, or the head of any other agency or instrumentality of the United States, having primary management authority over such lands. In the case of any public lands or Indian lands with respect to which no department, agency, or instrumentality has primary management authority, such term means the Secretary of the Interior. If the Secretary of the Interior consents, the responsibilities (in whole or in part) under this Act of the Secretary of any department (other than the Department of the Interior) or the head of any other agency or instrumentality may be delegated to the Secretary of the Interior with respect to any land managed by such other Secretary or agency head, and in any such case, the term "Federal land manager" means the Secretary of the Interior.

(3) The term "public lands" means—

(A) lands which are owned and administered by the United States as part of—

- (i) the national park system,
- (ii) the national wildlife refuge system, or
- (iii) the national forest system; and

(B) all other lands the fee title to which is held by the United States, other than lands on the Outer Continental Shelf and lands which are under the jurisdiction of the Smithsonian Institution;

(4) The term "Indian lands" means lands of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States, except for any subsurface interests in lands not owned or controlled by an Indian tribe or an Indian individual.

(5) The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (85 Stat. 688).

(6) The term "person" means an individual, corporation, partnership, trust, institution, association, or any other private entity or any officer, employee, agent, department, or instrumentality of the United States, of any Indian tribe, or of any State or political subdivision thereof.

(7) The term "State" means any of the fifty States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

#### EXCAVATION AND REMOVAL

43 USC 1601  
NOTA

Permit  
application.  
16 USC 470cc.

SEC. 4. (a) Any person may apply to the Federal land manager for a permit to excavate or remove any archaeological resource located on public lands or Indian lands and to carry out activities associated with such excavation or removal. The application shall be required, under uniform regulations under this Act, to contain such information as the Federal land manager deems necessary, including information concerning the time, scope, and location and specific purpose of the proposed work.





(b) A permit may be issued pursuant to an application under subsection (a) if the Federal land manager determines, pursuant to uniform regulations under this Act, that—

(1) the applicant is qualified, to carry out the permitted activity,

(2) the activity is undertaken for the purpose of furthering archaeological knowledge in the public interest,

(3) the archaeological resources which are excavated or removed from public lands will remain the property of the United States, and such resources and copies of associated archaeological records and data will be preserved by a suitable university, museum, or other scientific or educational institution, and

(4) the activity pursuant to such permit is not inconsistent with any management plan applicable to the public lands concerned.

(c) If a permit issued under this section may result in harm to, or destruction of, any religious or cultural site, as determined by the Federal land manager, before issuing such permit, the Federal land manager shall notify any Indian tribe which may consider the site as having religious or cultural importance. Such notice shall not be deemed a disclosure to the public for purposes of section 9.

(d) Any permit under this section shall contain such terms and conditions, pursuant to uniform regulations promulgated under this Act, as the Federal land manager concerned deems necessary to carry out the purposes of this Act.

(e) Each permit under this section shall identify the individual who shall be responsible for carrying out the terms and conditions of the permit and for otherwise complying with this Act and other law applicable to the permitted activity.

(f) Any permit issued under this section may be suspended by the Federal land manager upon his determination that the permittee has violated any provision of subsection (a), (b), or (c) of section 6. Any such permit may be revoked by such Federal land manager upon assessment of a civil penalty under section 7 against the permittee or upon the permittee's conviction under section 6.

(g)(1) No permit shall be required under this section or under the Act of June 8, 1906 (16 U.S.C. 431), for the excavation or removal by any Indian tribe or member thereof of any archaeological resource located on Indian lands of such Indian tribe, except that in the absence of tribal law regulating the excavation or removal of archaeological resources on Indian lands, an individual tribal member shall be required to obtain a permit under this section.

(2) In the case of any permits for the excavation or removal of any archaeological resource located on Indian lands, the permit may be granted only after obtaining the consent of the Indian or Indian tribe owning or having jurisdiction over such lands. The permit shall include such terms and conditions as may be requested by such Indian or Indian tribe.

(h)(1) No permit or other permission shall be required under the Act of June 8, 1906 (16 U.S.C. 431-433), for any activity for which a permit is issued under this section.

(2) Any permit issued under the Act of June 8, 1906, shall remain in effect according to its terms and conditions following the enactment of this Act. No permit under this Act shall be required to carry out any activity under a permit issued under the Act of June 8, 1906, before the date of the enactment of this Act which remains in effect as provided in this paragraph, and nothing in this Act shall modify or affect any such permit.



(i) Issuance of a permit in accordance with this section and applicable regulations shall not require compliance with section 106 of the Act of October 15, 1966 (80 Stat. 917, 16 U.S.C. 470f).

(j) Upon the written request of the Governor of any State, the Federal land manager shall issue a permit, subject to the provisions of subsections (b)(3), (b)(4), (c), (e), (f), (g), (h), and (i) of this section for the purpose of conducting archaeological research, excavation, removal, and curation, on behalf of the State or its educational institutions, to such Governor or to such designee as the Governor deems qualified to carry out the intent of this Act.

#### CUSTODY OF RESOURCES

Regulations.  
16 USC 470dd.

SEC. 5. The Secretary of the Interior may promulgate regulations providing for—

(1) the exchange, where appropriate, between suitable universities, museums, or other scientific or educational institutions, of archaeological resources removed from public lands and Indian lands pursuant to this Act, and

(2) the ultimate disposition of such resources and other resources removed pursuant to the Act of June 27, 1960 (16 U.S.C. 469-469c) or the Act of June 8, 1906 (16 U.S.C. 431-433).

Any exchange or ultimate disposition under such regulation of archaeological resources excavated or removed from Indian lands shall be subject to the consent of the Indian or Indian tribe which owns or has jurisdiction over such lands. Following promulgation of regulations under this section, notwithstanding any other provision of law, such regulations shall govern the disposition of archaeological resources removed from public lands and Indian lands pursuant to this Act.

#### PROHIBITED ACTS AND CRIMINAL PENALTIES

16 USC 470ee.

SEC. 6. (a) No person may excavate, remove, damage, or otherwise alter or deface any archaeological resource located on public lands or Indian lands unless such activity is pursuant to a permit issued under section 4, a permit referred to in section 4(h)(2), or the exemption contained in section 4(g)(1).

(b) No person may sell, purchase, exchange, transport, receive, or offer to sell, purchase, or exchange any archaeological resource if such resource was excavated or removed from public lands or Indian lands in violation of—

(1) the prohibition contained in subsection (a), or

(2) any provision, rule, regulation, ordinance, or permit in effect under any other provision of Federal law.

(c) No person may sell, purchase, exchange, transport, receive, or offer to sell, purchase, or exchange, in interstate or foreign commerce, any archaeological resource excavated, removed, sold, purchased, exchanged, transported, or received in violation of any provision, rule, regulation, ordinance, or permit in effect under State or local law.

(d) Any person who knowingly violates, or counsels, procures, solicits, or employs any other person to violate, any prohibition contained in subsection (a), (b), or (c) of this section shall, upon conviction, be fined not more than \$10,000 or imprisoned not more than one year, or both: *Provided, however,* That if the commercial or archaeological value of the archaeological resources involved and the cost of restoration and repair of such resources exceeds the sum of \$5,000, such person shall be fined not more than \$20,000 or impris-





oned not more than two years, or both. In the case of a second or subsequent such violation upon conviction such person shall be fined not more than \$100,000, or imprisoned not more than five years, or both.

(e) The prohibitions contained in this section shall take effect on the date of the enactment of this Act.

(f) Nothing in subsection (b)(1) of this section shall be deemed applicable to any person with respect to an archaeological resource which was in the lawful possession of such person prior to the date of the enactment of this Act.

(g) Nothing in subsection (d) of this section shall be deemed applicable to any person with respect to the removal of arrowheads located on the surface of the ground.

#### CIVIL PENALTIES

SEC. 7. (a)(1) Any person who violates any prohibition contained in an applicable regulation or permit issued under this Act may be assessed a civil penalty by the Federal land manager concerned. No penalty may be assessed under this subsection unless such person is given notice and opportunity for a hearing with respect to such violation. Each violation shall be a separate offense. Any such civil penalty may be remitted or mitigated by the Federal land manager concerned. 16 USC 470ff.

(2) The amount of such penalty shall be determined under regulations promulgated pursuant to this Act, taking into account, in addition to other factors—

(A) the archaeological or commercial value of the archaeological resource involved, and

(B) the cost of restoration and repair of the resource and the archaeological site involved.

Such regulations shall provide that, in the case of a second or subsequent violation by any person, the amount of such civil penalty may be double the amount which would have been assessed if such violation were the first violation by such person. The amount of any penalty assessed under this subsection for any violation shall not exceed an amount equal to double the cost of restoration and repair of resources and archaeological sites damaged and double the fair market value of resources destroyed or not recovered.

(3) No penalty shall be assessed under this section for the removal of arrowheads located on the surface of the ground.

(b)(1) Any person aggrieved by an order assessing a civil penalty under subsection (a) may file a petition for judicial review of such order with the United States District Court for the District of Columbia or for any other district in which such a person resides or transacts business. Such a petition may only be filed within the 30-day period beginning on the date the order making such assessment was issued. The court shall hear such action on the record made before the Federal land manager and shall sustain his action if it is supported by substantial evidence on the record considered as a whole.

(2) If any person fails to pay an assessment of a civil penalty—

(A) after the order making the assessment has become a final order and such person has not filed a petition for judicial review of the order in accordance with paragraph (1), or

(B) after a court in an action brought under paragraph (1) has entered a final judgment upholding the assessment of a civil penalty,



the Federal land managers may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action. In such action, the validity and amount of such penalty shall not be subject to review.

Subpoena.

Witness fees.

Reg.  
151

(c) Hearings held during proceedings for the assessment of civil penalties authorized by subsection (a) shall be conducted in accordance with section 554 of title 5 of the United States Code. The Federal land manager may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpoena served upon any person pursuant to this paragraph, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Federal land manager or to appear and produce documents before the Federal land manager, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

#### REWARDS; FORFEITURE

16 USC 470gg.

161

SEC. 8. (a) Upon the certification of the Federal land manager concerned, the Secretary of the Treasury is directed to pay from penalties and fines collected under sections 6 and 7 an amount equal to one-half of such penalty or fine, but not to exceed \$500, to any person who furnishes information which leads to the finding of a civil violation, or the conviction of criminal violation, with respect to which such penalty or fine was paid. If several persons provided such information, such amount shall be divided among such persons. No officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall be eligible for payment under this subsection.

(b) All archaeological resources with respect to which a violation of subsection (a), (b), or (c) of section 6 occurred and which are in the possession of any person, and all vehicles and equipment of any person which were used in connection with such violation, may be (in the discretion of the court or administrative law judge, as the case may be) subject to forfeiture to the United States upon—

- (1) such person's conviction of such violation under section 6,
- (2) assessment of a civil penalty against such person under section 7 with respect to such violation, or
- (3) a determination by any court that such archaeological resources, vehicles, or equipment were involved in such violation.

(c) In cases in which a violation of the prohibition contained in subsection (a), (b), or (c) of section 6 involve archaeological resources excavated or removed from Indian lands, the Federal land manager or the court, as the case may be, shall provide for the payment to the Indian or Indian tribe involved of all penalties collected pursuant to section 7 and for the transfer to such Indian or Indian tribe of all items forfeited under this section.



## CONFIDENTIALITY

SEC. 9. (a) Information concerning the nature and location of any archaeological resource for which the excavation or removal requires a permit or other permission under this Act or under any other provision of Federal law may not be made available to the public under subchapter II of chapter 5 of title 5 of the United States Code or under any other provision of law unless the Federal land manager concerned determines that such disclosure would—

16 USC 470hh.

5 USC 551.

(1) further the purposes of this Act or the Act of June 27, 1960 (16 U.S.C. 469–469c), and

(2) not create a risk of harm to such resources or to the site at which such resources are located.

(b) Notwithstanding the provisions of subsection (a), upon the written request of the Governor of any State, which request shall state—

(1) the specific site or area for which information is sought,

(2) the purpose for which such information is sought,

(3) a commitment by the Governor to adequately protect the confidentiality of such information to protect the resource from commercial exploitation,

the Federal land manager concerned shall provide to the Governor information concerning the nature and location of archaeological resources within the State of the requesting Governor.

## REGULATIONS; INTERGOVERNMENTAL COORDINATION

SEC. 10. (a) The Secretaries of the Interior, Agriculture and Defense and the Chairman of the Board of the Tennessee Valley Authority, after consultation with other Federal land managers, Indian tribes, representatives of concerned State agencies, and after public notice and hearing, shall promulgate such uniform rules and regulations as may be appropriate to carry out the purposes of this Act. Such rules and regulations may be promulgated only after consideration of the provisions of the American Indian Religious Freedom Act (92 Stat. 469; 42 U.S.C. 1996). Each uniform rule or regulation promulgated under this Act shall be submitted on the same calendar day to the Committee on Energy and Natural Resources of the United States Senate and to the Committee on Interior and Insular Affairs of the United States House of Representatives, and no such uniform rule or regulation may take effect before the expiration of a period of ninety calendar days following the date of its submission to such Committees.

Rules and  
regulations.  
16 USC 470ii.

Submission to  
congressional  
committees.

(b) Each Federal land manager shall promulgate such rules and regulations, consistent with the uniform rules and regulations under subsection (a), as may be appropriate for the carrying out of his functions and authorities under this Act.

Rules and  
regulations.

## COOPERATION WITH PRIVATE INDIVIDUALS

SEC. 11. The Secretary of the Interior shall take such action as may be necessary, consistent with the purposes of this Act, to foster and improve the communication, cooperation, and exchange of information between—

16 USC 470jj.

(1) private individuals having collections of archaeological resources and data which were obtained before the date of the enactment of this Act, and

(2) Federal authorities responsible for the protection of archaeological resources on the public lands and Indian lands and





professional archaeologists and associations of professional archaeologists.

In carrying out this section, the Secretary shall, to the extent practicable and consistent with the provisions of this Act, make efforts to expand the archaeological data base for the archaeological resources of the United States through increased cooperation between private individuals referred to in paragraph (1) and professional archaeologists and archaeological organizations.

#### SAVINGS PROVISIONS

16 USC 470kk.

SEC. 12. (a) Nothing in this Act shall be construed to repeal, modify, or impose additional restrictions on the activities permitted under existing laws and authorities relating to mining, mineral leasing, reclamation, and other multiple uses of the public lands.

(b) Nothing in this Act applies to, or requires a permit for, the collection for private purposes of any rock, coin, bullet, or mineral which is not an archaeological resource, as determined under uniform regulations promulgated under section 3(1).

(c) Nothing in this Act shall be construed to affect any land other than public land or Indian land or to affect the lawful recovery, collection, or sale of archaeological resources from land other than public land or Indian land.

#### REPORT

16 USC 470ll.

SEC. 13. As part of the annual report required to be submitted to the specified committees of the Congress pursuant to section 5(c) of the Act of June 27, 1960 (74 Stat. 220; 16 U.S.C. 469-469a), the Secretary of the Interior shall comprehensively report as a separate component on the activities carried out under the provisions of this Act, and he shall make such recommendations as he deems appropriate as to changes or improvements needed in the provisions of this Act. Such report shall include a brief summary of the actions undertaken by the Secretary under section 11 of this Act, relating to cooperation with private individuals.

Approved October 31, 1979.

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#### LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-311 (Comm. on Interior and Insular Affairs).

SENATE REPORT No. 96-179 accompanying S. 490 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 125 (1979):

July 9, considered and passed House.

July 30, considered and passed Senate, amended, in lieu of S. 490.

Oct. 12, House agreed to Senate amendments with an amendment.

Oct. 17, Senate concurred in House amendment.

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